

OPINION OF JUDGE HAYT RELATIVE TO DISTRICT ATTORNEY'S SALARY

The opinion of former Chief Justice C. D. Hayt of the state supreme court holding that the law of April 20, 1891, fixing the salary of district attorneys, is the governing statute, answers at length the question propounded to him: What is the maximum limit of annual compensation of the district attorneys in this state, outside of Arapahoe county?

Judge Hayt quotes the statutes of the state bearing on the subject, beginning with the provision in the general laws of Colorado of 1883. The law of April 6, 1891, fixing the salary in a district presided over by one district judge only, at \$4,000 annually; and in every district presided over by more than one judge, \$5,000. The act of April 20, 1891, the amendment to the act approved April 6 of that year, fixing the annual compensation at \$4,000 for each district attorney. The act of April 11, 1899, being an amendment to the statute of April 6, 1891, states that the district attorney in counties of the first class shall receive \$4,600 and in all other judicial districts the full compensation shall be \$3,000.

Judge Hayt points out that the main point for consideration is whether this last section, placing the salary at \$3,000, is constitutionally valid.

"In passing upon that point," says the opinion, "we find that another question is necessarily involved, namely: did paragraph fifth of the act approved April 20th, 1891, repeal section 2 of the act approved on April 6th, of the same year? If section 2 of the act approved April 6, 1891, was so repealed, it is doubtless true that section 2 of the law of 1899, purporting to amend it, is a nullity, for the following reasons:

"The purpose of the act of 1899, as expressed in its title, was to amend section 2 and other sections named in the act of April 6th, 1891, (the title of which is repeated), and to repeal all laws 'in conflict therewith.' Section 21, article 5, of our constitution requires that the subject of every legislative act shall be clearly expressed in the title-amendatory provision. Now, if the act of 1899 had expressed its purpose as being simply to amend the prior act, without naming the section thereof to be amended, new matter germane to the subject expressed in the prior act could lawfully have been introduced and the new section 2 (1899) would stand good, whether the old section 2 (1891) had been repealed or not. See Edwards vs. D. & R. G. Co., 3 Colo. 59, 67; County Com. vs. The Aspen & C. Co., 3 Colo., Ap. 225. But where, as

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"An act to provide for the payment of salaries to certain officers, to provide for the disposition of certain fees and to repeal all acts inconsistent therewith," approved April 5, 1891, (or 6th) and particularly section 2 of said act, which reads as follows:

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"Where, as in this state, the constitution requires every act to express its subject in its title, an amendatory act, to be valid, must relate to an existing and valid statute, and not to one which has been repealed or declared unconstitutional."

Many authorities are quoted in support of this opinion.

In answering the query if section 2 of the act approved April 6, 1891, was repealed by paragraph 5 of the act approved April 20, 1891, Judge Hayt states that it must be borne in mind that the repeal, if any, is by implication alone; that repeals by implication are not favored and will never be adjudged to exist if it is possible for both provisions to stand; that the repugnance must be clear and unavoidable and that, ordinarily, the prior act will be repealed only to the extent of the repugnance. When both acts come from the same legislative session, the presumption against repeal is strengthened, and the action of the legislature in subsequently treating the earlier of two acts as persisting, is regarded as cogent evidence against a repeal by the second act. The opinion continues, that after a consideration of all the legislation of 1891, and prior legislation touching fees and salaries, the conclusion is reached that section 2 of the act approved April 6, 1891, was entirely repealed by the latter act of the same year. The first act of the session of 1891 was very exhaustive in fixing fees; the second placed limitations on compensation and regulated the manner in which fees should be accounted for; the two acts were evidently intended to be complementary. "But, while district attorneys were affected by the salary act, the fixing of their fees was omitted from the fee act and left to the old law. It would seem that the act approved April 20th, 1891, was intended primarily to remedy this omission in the fee bill, and, in fact, to provide thorough and comprehensive legislation upon the subject of both the fees and the amount of compensation of district attorneys."

The act of April 20th, 1891, is declared to be a complete and exclusive revision of the subject of fees and compensation of district attorneys and their deputies, and repeals and replaces the prior legislation on that subject. The attempt in 1899 to amend a section theretofore repealed is unconstitutional and void.

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While the act is in form an amendment, it is in substance a complete and exclusive revision of the subject of the fees and emolument of district attorneys and their deputies; and repeals and replaces the prior legislation on that subject.

If we compare paragraphs fifth and sixth of this act with sections 2 and 3 respectively, of the earlier act on salaries, we find that the language is largely identical; and at once it becomes apparent that sections 2 and 3 were deliberately taken out of the salary act, remodeled in certain particulars and added to the act on district attorneys for the purpose of making it a complete and harmonious unit. Such being the case, it seems quite clear that the act of April 20, is a complete and exclusive revision of the subject of the fees and emolument of district attorneys and their deputies; and repeals and replaces the prior legislation on that subject.

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In spite of these differences, however, it would seem (though the matter is not free from doubt) that the principle announced applies to the act of 1899, so far as it purports to affect section 2 of the act of April 6, 1891. Section 2 of the 1899 act, must stand, if at all, as a separate enactment. But section 2 of the earlier act, if repealed, had ceased to exist, and I am of the opinion that it could not form a basis for the amendment of 1899.

Was section 2 of the act approved April 6, 1891, repealed by paragraph 5 of the act approved April 20, 1891?

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See People ex rel. vs. Morrison, 78 N. Y. 84.

Comparing the two sections now under discussion, it seems clear that the latter act did repeal the earlier in so far as the earlier allowed five thousand dollars (\$5,000) to district attorneys in districts presided over by more than one judge. But, with this exception, the two sections are the same in substance, and, in their latter portions, identical; but if the earlier sections be not repealed in toto, section 2 of the act of 1899 stands valid.

The following reasoning, involving a consideration of all the legislation of 1891, and prior legislation touching fees and salaries, leads me to the conclusion that section 2 of the act approved April 6, 1891, was entirely repealed by the latter act of the same year.

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and replaces the prior legislation on that subject.

People vs. Denver, 10 Colo. 132.
United States vs. Tynen, 11 Wall 85.

These portions of sections 2 and 3 of the salary act which are not repugnant to the provisions of the act of April 20, being repeated almost in *ipsis verbis* in the latter act, could serve no useful purpose on the statute books; they are but fragmentary expressions of law elsewhere perfectly set forth. The inference of repeal is therefore strong. It would be stronger, but for the existence unrepealed of sections 19, 23 and 24, of the salary act; but, as these sections have to do with the procedure of collecting fees, they are not necessary for the completeness of the act of April 20, as an act defining fees and limiting compensation.

The act of April 20, being a complete act upon the subject of fees of district attorneys, I am of the opinion that it repealed the act of April 6, 1891, in so far as that act related to the fees, etc., of district attorneys, and that the subsequent attempt in 1899 to amend a section theretofore repealed, is unconstitutional and void. It necessarily follows that the maximum compensation of district attorneys in this state, outside of Arapahoe county, now stands at \$4,000.00; as fixed by the act of April 20, March 11, 1902.

Charles D. Hayt.

THREE CITIES UNITE IN PAYING TRIBUTE TO SOLDIER DEAD AND THEIR SURVIVORS

Another Memorial day has come and gone and the nation now returns to its work after paying tribute to its soldier dead, the heroes who fought for its principles and its preservation. Memorial day in Colorado Springs was more fittingly observed than ever before. From early dawn to late at night there were events on the program. In the morning the customary parade was held, followed by the exercises at Evergreen cemetery. In the afternoon Memorial exercises were held in Colorado City and Manitou and a patriotic concert was given at Cheyenne park by the Colorado band. Last night a Memorial service was held at Colorado college followed by a patriotic oratorical contest among young men of the institution for the prizes offered by the Grand Army and the Loyal Legion.

The parade in the morning was the largest that ever marched on a Memorial day in this city. The members of Colorado Springs post, No. 22, Grand Army of the Republic turned out in full force and were followed by a long double file of visiting comrades. In the procession, Marshal of the Spanish war veterans, and Major John Nichols, of the high school cadet battalion, had made preparations for the parade and it was carried off without a hitch with the exception of a slight delay in starting. Owing to the fullness of the parade, the route was changed from Pike's Peak to Boulder street. Turning west on Boulder the procession marched to Cascade, down Cascade avenue to Pike's Peak, east on Pike's Peak to Tejon, down Tejon to Cheyenne park, thence to Nevada and south on Nevada to the Colorado & Southern tracks on Moreno street. Here the various organizations were halted and formed in open order allowed the Grand Army veterans, the Spanish-American war veterans, the members of the Woman's Relief corps, Ladies of the G. A. R., the Sons of Veterans and the firing squad and bugle squads composed of members of the National guard and the high school cadet battalion, respectively, to pass through and board the special trains provided by the Colorado & Southern for Evergreen cemetery.

The members of the police department, fire department, the National guard and the high school cadets and other civic societies then returned to the city.

At the Head.

The parade was led by Marshal Robbins and his aides followed by a platoon of police under Captain Thomas Fair and Sergeant D. H. Bennett. Next in line was the newly-organized band of the Junior Order of United American Mechanics, composed of 21 members, the members all wearing the regalia of the order. This organization made its first public appearance yesterday and created a very favorable impression. The members of the J. O. U. M. A. battalion of National guardsmen and high school cadets in command of Major John Booth of the high school cadets, followed in the second division, led by high school cadet and bugle corps. Lieutenant Barber was in command of the militia while Captains Morrell and McBroom were in command of Companies A and B of the high school cadets.

The fourth and last division of the parade was composed of the Grand Army and ex-veterans and members of the different orders affiliated with them and the various uniformed societies. Canton Colfax No. 2 was represented by 15 men in command of Captain A. E. Crow and the degree team of Pike's Peak camp No. 5, Woodmen of the World, with 12 men, in command of Captain C. A. Dent. Lieutenant J. H. Gowdy was in command of the Spanish-American war veterans while the members of Colorado Springs post No. 22, G. A. R., were in command of L. C. Dana. There were about 250 veterans in line. A portion of the G. A. R. drum corps headed the line of veterans while the post colors were guarded by a squad of four carrying muskets. The ladies of the Woman's Relief corps and the circle carried the flowers, a great many of which had been gathered and donated by the public school children. Bartlett and Mead Thomas. Paul

A pretty feature of the parade was the demonstration on the part of the children of the public schools in North park. Over 1,000 of the little tots had been assembled there by Superintendent John Dietrich and Mrs. W. H. R. State

of the board of education and while the parade was passing, patriotic songs were sung. "America" greeted the veterans as they passed. Each child carried a flag and the scene was a pretty one.

The train service to the cemetery was excellent and the crowd was well handled. A small rate had been made for the round trip and a great many took advantage of the opportunity to visit the cemetery. With those who went out in carriages and in other ways about 4,000 people were gathered at Evergreen cemetery. The exercises were held at the Grand Army plot. The graves of the veterans had been already marked by flags and upon reaching the cemetery the flowers were soon distributed and the graves decorated. A squad from the high school cadet battalion in command of Captain Morrell, decorated the graves of their dead before the opening of the exercises. Five cadets and one ex-cadet are buried at Evergreen. They are Arthur Cort, Fay Eldredge, Wheaton Riddle, Albert Shobe, a member of Company M of the First Colorado, who died in the Philippines, and one ex-cadet. The cadets also decorated the grave of their former principal, the late George Turnbull.

The exercises at the Grand Army plot were opened by a prayer by the chaplain, A. A. Burleigh. Post Commander L. C. Dana then introduced the speaker of the day, Rev. L. E. Brown of the First Christian church. Rev. Mr. Brown's address was a masterly one and after the close of the exercises he was thanked in person by practically the entire membership of the post for his words.

The Ritual Service.

At the close of Rev. Mr. Brown's address, Commander Dana read the ritual service and W. P. Mitchell, officer of the day, performed the decorating service. "Taps" was then sounded by the high school bugle corps, and when the last notes of that mournful requiem for the dead had died away, Commander Dana read the words of a soliloquy entitled "Taps," from the pen of Professor G. H. Stone, a member of the post. The firing squad of militiamen then fired three volleys over the graves and the exercises closed with the singing of "America" and the closing prayer by Chaplain Burleigh.

Dinner was served by the Woman's Relief corps and the Ladies of the G. A. R. for the veterans, the members of the high school cadet battalion, and others who took part in the parade upon their return from the cemetery. The dinner was served in the G. A. R. hall in the court room.

Colorado City and Manitou.

In the afternoon special trains were held in Manitou and Colorado City. The services in Manitou were held at the Congregational church. The program included short addresses by Rev. Mr. Lathe, E. E. Nichols, Jr., H. H. Grafton and Prof. J. P. Trevelyan and the singing of patriotic songs. A detail from the local post assisted in the decorating of the graves of the veterans buried there. In Colorado City the veterans and school children gathered at the Bancroft school to march to Fairview cemetery where the exercises were held. Rev. Mr. Muller delivered a short address on the origin of Memorial day before the decorating of the graves.

The patriotic concert at Cheyenne park by the Midland band attracted several thousand people in the afternoon. The music was excellent and the numbers on the program were greeted with great applause.

Last night in Perkins hall at Colorado college the patriotic oratorical contest for the prizes offered by the G. A. R. and the Loyal Legion was held. Before the contest a brief Memorial service

Two Old Pensioners—No Value

THE GRAY AND PURPLES of early dawn were disappearing as the sun, a red conflagration, was painting the eastern sky.

Two aged horses got stiffly to their legs. They sniffed the fresh air of the May morning sweeping over the Bates pasture and, with age-dimmed eyes, turned from the gorgeous promise of a perfect day and rested a grateful glance on the soft shades of Cheyenne mountain, dark with its forests holding on to what was left of the night.

The green of the grass, the succulent temptation of the alfalfa, the beginning of the miracle behind them—the dissolution of the angry red into a sea of molten gold—was forgotten. The two old comrades, bordering on the verge of senility, were becoming sentimental as they stood on quivering legs, what was left of mane and tail stirring in the cold wind that was puffing the white sails of the clouds skimming like charmed armadas over the changing sea. For their failing eyes, occasionally truthful, had lighted on a narrow, needle-like mark across the rugged slope of Cheyenne, and the film cleared from the eyes of the pensioners and Memory began brushing away the cobwebs that exist in the Wintertime of life, animal as well as human.

"That," said Baldy, "is the old trail to Cripple."

He said it as if to himself, softly and reminiscently, this poor, trembling creature, and his companion scarecrow, his mind working in the past, repeated as softly:

"The old trail to Cripple."

"These mornings are deceptive," remarked Baldy. "Things seem to dance before you; distant objects, like the peak, for instance, appear twice as big and half again as near. See how the trail comes down the mountain side to meet us; how red the soil is and the wind is flecking the dust!"

"Not only that," replied Sorrel, without turning his head, "but I could have sworn until you spoke that the buckboard was rounding that corner of the road where we felt nervous, remember, because of the flat stones and the way the wheels would scrape. I heard the master say 'steady, boys, steady boys.' I heard—"

Sorrel broke off with an apologetic cough. He remembered that he had never heard Baldy refer, even indirectly, to their old age and suddenly, poor



THE TWO PENSIONERS—AS THEY APPEAR TO-DAY.

Being the Story
of an Item in the
Inventory of
the Great
Stratton Es-
tate: By Jp.
Emerson Smith



Winfield Scott Stratton.

Zapato Gold M. Co., 856 928 shares at 20c.....	17,138.52	'01,
Dillon Gold M. Co., 50,000 shares at 20c.....	10,000.00	'98,
Two Old Horses, pensioners at pasture, no value.....	0.00	'97,
Total	\$3,998,303.73	

D NOTES.

THE ITEM IN THE INVENTORY.



"JACK"—MR. STRATTON'S PET DOG.

Sorrel realized that he was making a confession of what they both dreaded and could not bear to think of. By talking of the sunny period of youth he knew Baldy would wake up to the keenness of a breeze that was welcomed with whinnies of delight by the foolish, romping colts in the other pasture; that Baldy would realize the once warm blood was turning to ice in his veins and his stalwart comrade was no longer the frisky sorrel that had kicked up his heels at every opportunity for no other reason than to express his joy in lying, but an antiquated, skinny equine male of obviously many years. The ashamed Sorrel turned away and began cropping the velvet sward with what remained of his teeth.

But Baldy remained steadfastly gazing at the disappearing trail. The dancing waves of the mirage-like sunrise had been engulfed in the brighter glow of the fully-risen orb and, as the brown of the cliffs and rocks became distinct and the blackness fled from the stretches of pine and spruce the trail these pensioners knew so well also faded, lost in the multitude of colors of the new robe the merry Day had proudly thrown over the world.

Sorrel furtively watched his comrade.

"I have made him sad," he kept repeating. "There's no fool like an old fool."

When the trail was no longer visible Baldy, more stiff than when he had risen because of the length of time he had been lost in the past, tottered over to the still-cropping Sorrel.

"You're a philosopher," he said cheerfully. "Instead of ruminating over things in years gone by you go to breakfast."

Sorrel, taken by surprise, looked up. Baldy said that his old friend's eyes were misty. The comrades understood. "Do you remember the only time the master was provoked at us?" asked Baldy, after a silence, finding it hard to break away from his train of thought. Sorrel shook his head.

"My memory," he said, querulously—for he was finding it rather difficult to masticate the tender grasses—"is, I fear at fault."

"It was in the Springs. We had carried him from the great camp with its burly mixture of people from all quarters of the earth, with the sound of blasting on a hundred hills and the music of the fiddles and horns and pianos in the dance halls at noon-day, for those were strange, savage days, you remember, Sorrel—through the fresh, perturbed air of the autumn woods over the stage road to the city. It was true we had seen electric cars before but we had forgotten and when, with a clang and a whirl the thing rushed past you almost turned a somersault and I had a vaulting ambition myself. The master called up the prize

pair of country performers."

"And a few other things," supplemented Sorrel. He was quietly laughing.

"I have often thought," continued Baldy in a tone of conviction, "that that day the master began thinking about street cars seriously and made up his mind that some day he would own that system. He did, a few years afterwards, when you and I could no longer carry fast enough the heavy ore sacks from the mine."

"I wish I had a year added to my life for everytime we have carried the master over that road," sighed Sorrel. The meadow larks with liquid trillings were filling the pasture with music.

"Ungrateful Sorrel," said Baldy, half sadly, half chidingly. "There is an end to all things, except charity and the good deeds done by man. We have no cause, worn-out old creatures as we are, to complain. Here we are, even after the death of the master, remembered lovingly because he bade his friends to take care of us. The old who are not forgotten are blessed, indeed! The clover and the alfalfa are ours, the sunshine and the songs of the birds the voices of the mountain people that no mortal has ever beheld; the best in life has been bequeathed us by our master and our friends; where is there cause to repine?"

The old comrades drew close together. The larks circled in the golden air above them but to the frolicsome spring-mad colts they seemed like two dark and spectral figures, waiting, waiting, perchance with something of the Indian belief in their tired skulls—that in the happy fields to be attained they would once more become the property of the departed master.

To those who knew Winfield Scott Stratton, it occasioned no surprise, only a tender backward glance into their knowledge of the man of millions and his great heart, when in the published inventory of the real and personal estate, an estate amounting to nearly \$5,000,000, with chattel property, alone, aggregating \$3,998,303.73, occurred the line, following with startling contrast totals in the seven figures:

"Two Old Horses, pensioners at pasture, no value..... 0.00."

Those who had not known W. S. Stratton marveled, yet a sense of the kindness and humanity represented in the item impressed them, and the paper was laid by after a sermon, a true and powerful sermon, had been, unconsciously perhaps, received in all its beauty. The executors of the Stratton estate are proceeding to carry out the provisions of the now celebrated will and erect the home for the poor; in the meantime they are paying \$2 a month for pasturage, and will continue

paying as long as life lasts in the two old horses Mr. Stratton depended upon before the days of his Aladdin-like discovery and afterwards, thus carrying out another behest of the millionaire.

These horses, "Baldy"—so named, because he is a piebald—and "Sorrel," because the more aged of the pensioners is of that color, are the aristocrats of the equine population of Colorado Springs. They live a life of the most blissful idleness; they are kept in the richest pasturage at the ranch of William Bates five miles south of the city; should one of them be found to be ailing in the slightest degree there would be immediately a consultation of veterinary surgeons and no expense would be spared for medical treatment. The horses that had served him so faithfully were personally pastured at the Bates ranch by Mr. Stratton before his death.

Their age no man can tell with accuracy. It is known they are over 20 years old, for Mr. Stratton had them in Cripple Creek in the early days of the gold camp, and they were in their prime then. Before the district echoed to the locomotive whistle this team carried him in his buckboard over the 30 miles of stage road between Colorado Springs and the camp frequently, and it was an easy matter to outdistance the stage. As for the heavily-laden ore wagons, the drivers looked enviously and swore softly as Baldy and Sorrel in playful mood showed clean hoofs and swirled past leaving a cloud of dust.

They were good horses; they still show unmistakable traces, and in all the years he drove them there was never an accident on the precipitous road. No one could tell me yesterday what has become of the buckboard Mr. Stratton used between the city and the camp. It was a familiar sight to the thousands that traveled the mountain highway; so strongly was it constructed that the appellation of "the one-hoss shay" was given it, based on the belief that when it would go to pieces, like the vehicle made known for all time by Dr. Holmes, it would tumble into splinters with one fell swoop, without even a preliminary warning groan.

When the camp was still Womack's ranch and men went cautiously along the stream meandering through the emerald carpeted hollow, kicking the grass with their boots to see if they could not upturn sparkling nuggets, Mr. Stratton rented a gray horse to pack his outfit. This was the original steed of the prospector, but it was soon replaced by Baldy and Sorrel. The horses were picketed near the first Stratton habitat, a tent below the present world-famous Independence mine. The prospector was building a cabin, and the team more than paid for themselves in assisting their owner. They

were never overworked, however, never hauled heavy loads, and were treated with the consideration and intelligent care exhibited by Mr. Stratton to all animals. Baldy was his favorite mount on trips to the postoffice and around camp.

It was before the cabin was completed and the fame of Cripple Creek had been blown to the four quarters of the globe that a great cattle outfit went through the district. The herd was an immense one; there was a small army of cowboys and as night began to fall they camped not far from the Stratton tent. Mr. Stratton with other prospectors went down to the roaring fire and had dinner with the hospitable strangers. The fare carried by these Arabs of the plains was fresher than the canned goods of the miners' scanty larders, and the evening under the listening stars, in the comfortable warmth of the campfire was a pleasant one.

Young Pete Stauer of the cattle outfit who had been talking to Mr. Stratton left the circle stating he had a lame horse demanding attention. His gray-haired, somewhat silent guest went with him. The pony, which had slightly injured one of its forelegs on the sharp rocks that afternoon was examined in the wavering light from the fire, strengthened by the addition of lanterns. The cow-puncher held the pony while, kneeling on the ground and with deft touch, the future millionaire, the man who held even the key that was to unlock treasure chambers beyond the dreams of most men, bound up the torn and bleeding member and with some simple salve procured somewhere, either from his own stock or from that of a neighbor soothed the animal's pain.

Not much of a story, I admit. I tell it only because I would endeavor to convey an impression of Mr. Stratton's sympathy and gentleness to the lower animal creation, and because Pete Stauer told it to me in Denver during the lifetime of Mr. Stratton.

Not only was he gentle to horses, but to all animals. He would not drive in a storm if he could prevent it, nor would he drive a lame horse. It will be remembered that some one presented him once with an eagle. Delighted, Mr. Stratton had a large cage constructed, but noticed with sorrow that the majestic bird was pining for freedom. Impulsively, he ordered a large beefsteak and had the cage taken far out on the prairie, the steak given to the bird of national adoption, and the cage door opened.

He was continually feeding birds. A great flock of "horn larks," clamoring for food were driven by a storm into the city. Mr. Stratton had bushels of grain scattered for these unexpected guests.

Anna Hellmark, housekeeper for the

millionaire for years, is caring for "Jack," the pet dog, at her residence at Las Animas and Cascade. "Dick," the first dog of prospecting days died some time since of old age, and, some have been unthinking enough to say, of gout due to high living. Dick was not of high degree; he was merely a curly-haired, black, intensely faithful and friendly cur, but he accompanied his master on all campaigns, and, beyond doubt, knew every foot of the entire Cripple Creek district.

One day his master came to a realization that, shut off in the mountains, without knowing the stimulus of the absorbing search for gold, Dick must be lonely.

"Dick," he said, that night in his cabin, "would you like a companion, a 'bunkie,' Dick? a partner?"

Dick wagged his tail, and, seeing something in his master's eye, barked. Baldy and Sorrel took the miner to the city, when they brought him back "Jack" was trotting contentedly with "Dick." He had been secured for Dick's pleasure and proved himself a companion and champion. They were "great friends and Jack seemed to realize dimly, yet restlessly, that something dreadful had happened, when, despite the skill of the veterinary surgeons, Dick, who had been living on the fat of the land, either from gout or old age, gave up the ghost.

I thought, as I came in from a visit to Baldy and Sorrel:

"What a wonderful thing is life, after all!"

Very trite, I said to myself, that observation. But the reflection clung to me in the deepening shadows of the late afternoon. How many thousands have said the same thing in "this battered caravanserie" ere like sultan after sultan, in pomp and fitful authority, they have wended their way out of the mysterious portal. The more we see of life the more we marvel.

I was looking at Cheyenne mountain, at the spot where the old pensioners had strained their failing eyes in the morning. The level rays of the setting sun threw long shadows of the mountains on the plains, but touched in mellow radiance the northern slope of the great hill. There was a mist in the air—or so it seemed—for the mountains were of purple that would have delighted a painter's heart, a shimmer dark blue, more royal than purple. Where the trail climbed towards the clouds the sun appeared to concentrate its fast-ebbing strength and the path was a roadbed of gold, a fit highway to the busy place of mills and mines.

I thought of that other spring afternoon 13 years ago, when a man named Stratton and others, companions, men of stout hearts and empty pockets toiled up that sharp ascent, and then crowded upon me scenes and incidents

of what has happened since and visions of the future; how history has been made and is being made as a result of that afternoon.

"Here is one of the world's great romances," I said. And then I altered the triteness of the statement made a moment before. "What a wonderful thing is man," I corrected.

CHANGES IN THE ARMY RIFLE.

Guns and Bullets Suited to the Civilization of Opponents.

A little while ago we thought we had the finest army rifle in the world, with the possible exception of the Spanish Mauser. It had enormous range and necessarily a flat trajectory and great powers of penetration. It was light and easily manipulated. The mechanism of it was comparatively simple. But we decided quite recently to abandon that rifle in favor of a new invention which has longer range, flatter trajectory, greater penetration and advantages in weight gained by cutting down the barrel. The new gun, which is the product of some genius or geniuses in the ordnance department, is so short and light that a man of ordinary strength can easily swing it as a club if he runs short of ammunition and is in too close quarters to use the bayonet, which, by the way, is to remain part of the soldier's equipment in spite of the condemnation lavished upon it by experts. The caliber of this new rifle is practically the same as that of the weapon it is designed to supplant, which suggests that the increased destructiveness of modern small arms, due to the extensive range and the employment of magazine loading systems, is more than counterbalanced by the sacrifice of shocking power through the substitution of small bullets for large ones. A man is killed as readily when shot through a vital part by a bullet no bigger in circumference than a small lead pencil as he is when hit by a heavier missile from a Springfield or Martini; but the records of the most recent battles show that the number of "disabling" wounds inflicted by the lighter bullet is far less in proportion to the amount of lead fired than was the case in the days of larger calibered rifles.

This is not an argument for the abandonment of conditions that have made war more humane by decreasing the measure of human suffering entailed by it. It is merely a statement of facts which are now being seriously considered abroad, and especially in England, in respect to the proposed modification of rifles, or at least of ammunition, used in waging of warfare against those who will not observe the rules of civilized combat. To the use of smaller caliber guns and hard nosed bullets is attributed by many the disaster that overtook Colonel Plunkett's command in Somaliland, where even the straight shooting failed to check the rush upon the doomed square, because the stopping power of the bullets was not sufficient to put out of action more than a small proportion of those who were hit elsewhere than in vital spots. The savage must be fought upon a different basis than the enemy who is civilized. A force deprived of ammunition, and, therefore, unable to continue fighting can surrender with safety to the latter, but not to the former. The indications are that the high power rifle, as designed for civilized war, will be discarded hereafter in conflict with the uncivilized. This is a nasty conclusion to reach, but it seems inevitable. (Brooklyn Eagle.)

THE ONLY MISQUOTEES IN TOWN.

IT is amusing as well as pathetic to see the petty nagging to which District Attorney Trowbridge is being subjected by a few disgruntled politicians whose henchmen have recently been exposed. Circuit Attorney Folk and District Attorney Jerome have in their larger spheres become inured to like experiences. It is the lot of every diligent and fearless prosecuting officer. He is not attacked on the grounds which are the real motives for the attack. That would never do. But his whole career, private and official, is ransacked in the hope of finding some blunder or oversight or technicality on which to assail him, and then the small but venomous insects settle about his head and manage to keep up a buzz, if nothing else. Men charged with the weight of these important duties pay small attention to such efforts at distraction and deflection.

The swarm settled about District Clerk Starrett's head for a moment, but there were too many Republicans in the immediate vicinity. So they are back again about Trowbridge. The fair-minded people of this district without exception approve his manly, straightforward and sensible course.

None of his predecessors took the trouble to have the vexed question as to the amount of their salaries adjudicated. They took the limit and said nothing about it. He conferred with the other district attorneys of the state, took advice of counsel and then arranged to test the case. He is OBEYING THE LAW, and not scouring the streets for curbstone opinions on the law. This is naturally exasperating to those who have volunteered their opinions without knowing or investigating the law.

When Blackmer and McAllister were retaining annual salaries of \$5,000, there was just as much doubt—no more and no less—whether the salary should be \$5,000 or \$4,000, as there is now whether it should be \$4,000 or \$3,000. If Trowbridge's position is sustained by the court each of his Republican predecessors will owe the counties in the district \$1,000 overpay for each year of service. If it is not sustained, Trowbridge will owe it. There is as much reason for calling upon one as upon the other to "disgorge," but what clamor has been raised by these enthusiasts against the Republicans who, during their full terms, drew for no greater service \$1,000 annually in excess of what Trowbridge claims and is entitled to under the prevalent construction of law as it stands?

The Gazette will raise no such counter-cry. If it should be adjudged that the lawful salary through all these years has been and is \$4,000, we have no doubt that Mr. Blackmer and Mr. McAllister will promptly pay over what they retained in excess of that amount, and if, on the other hand, it should be adjudged that \$5,000 was and \$3,000 is the salary of the district attorney, in this district, Mr. Trowbridge will bow to the legislative will as thus construed, however unfair, and pay over the difference between the \$4,000 he has retained and the \$3,000 salary thus fixed.

But neither Blackmer, McAllister nor Trowbridge is expected by any reasoning man to prejudice his right to his lawful compensation for important public service by voluntarily paying over money, that he claims and that nobody else claims. We have yet to hear of any demand upon any one of them by any treasurer or other official of this county. The popular uprising is confined to one story of one building, and does not fully pervade that.

GRADUATION AT SCHOOL FOR MUTE AND BLIND.

ONE of the most interesting of the several graduation exercises which take place annually in Colorado Springs is that of the State School for Mute and Blind. To one who has never visited the school these events are of the deepest interest. They demonstrate in a very striking manner just what the institution is doing for those who are unfortunately bereft of one or more faculties.

One cannot witness a graduation without feeling deeply two things: First, thankfulness that he is still endowed with sight and hearing and speech; and, second, a feeling of gratitude that science and ingenuity and patience have been able to do so much for the deaf and blind. As one sees the miracles that these pupils are able to perform, despite such serious handicaps, he cannot but marvel and wonder and rejoice that the state has taken it upon itself to do this great and noble work. Pupils who might under ordinary circumstances be able to do little or nothing to help themselves are taught to read and write, play the piano and other musical instruments and to do the manual labor attached to many trades and vocations. By the state's aid they recover from a condition of helplessness to one of usefulness to themselves and to others and often become self-supporting.

Hence it is that a visit to this school is always a revelation to those who have never before visited such an institution. It would be a good thing, therefore, if every citizen of Colorado could find the time to go to the school and witness the splendid work that is being done there.

HOPE FOR CONSUMPTIVES.

THE June number of the Review of Reviews has an important series of articles entitled "Hope for Consumptives." It deals especially with the outdoor treatment—a diet of fresh air and nourishing foods. There is an article on Colorado as a resort for consumptives, which tells a great many truths that may well be emphasized.

The writer has evidently had a personal experience, for he speaks of that ostracism which comes to the man or woman ill with the disease. He is denied lodging in many hotels and rooming houses, and is sadly handicapped in endeavoring to secure work which he is able to do.

The writer reaches the conclusion that while consumptives may continue to flock to Colorado on account of the added advantage of the high and dry air, other invalids would probably recover under pleasant out-of-door surroundings near at home.

The isolation and unattractiveness of the west is all too true. Invalids feel the need of good cheer and encouragement and a friendly hand. But the prejudice against companionship with invalids is undeniable and inherent.

However, every word said in behalf of outdoor treatment in the east applies with two-fold power to the west, where the sunshine is so much brighter and the air so much drier and more invigorating.

It must be confessed, therefore, in looking over the situation, that the ideal treatment for a consumptive is tent life in a not too isolated spot in Colorado, with plenty of nourishing food, and with companionship and sympathy in full measure.

THE PRESBYTERIAN AMENDMENTS.

THE ACTION of the general assembly of the Presbyterian church in revising or amending its creed without a dissenting voice will be welcomed by the vast majority of the membership of that religious denomination. The unanimity of action upon creed revision after three years of discussion indicates that the church was not only willing but anxious to make its position clearer than it had been hitherto.

If we are to accept the statements of Dr. Van Dyke and other distinguished speakers, this revision makes no change in the fundamental doctrines of the church. Rather it broadens and strengthens them. This sentence, however, is especially full of meaning: "Divine sovereignty shall never be interpreted so as to mean fatalism."

Rightly or wrongly, a good many persons have come to believe that the Presbyterian doctrine did have this very element of fatalism in it. We do not believe that the members of that church as a rule have subscribed to any such interpretation. But the fact that it was susceptible of misconstruction has undoubtedly been the moving cause in securing this so-called revision, or amendment to the creed.

This point is made especially clear in the statement concerning infants: "We believe that all dying in infancy are included in the election of grace and are regenerated and saved by Christ through the Spirit who works where and how he pleases."

Equally sweeping is the declaratory statement regarding chapter 3 and chapter 10 of the confession of faith, as follows:

"That concerning those who are saved in Christ, the doctrine of God's eternal decree is held in harmony with the doctrine of his love to all mankind, his gift of his Son to be the propitiation for the sins of the whole world, and his readiness to bestow his saving grace on all who seek it. That concerning those who perish, the doctrine of God's eternal decree is held in harmony with the doctrine that God desires not the death of any sinner, but has provided in Christ a salvation sufficient for all, adapted to all, and freely offered in the gospel of all; that men are fully responsible for their treatment of God's gracious offer; that his decree hinders no man from accepting that offer and that no man is condemned except on the ground of his sin."

This declaration of what the Presbyterian body believes its creed to mean sheds a radiant light upon much-disputed points of doctrine and interpretation. It is as broad and as far-reaching as the creed, or articles of religion of any of the evangelical churches.

The great Presbyterian body, therefore, has done an act of wisdom and of justice in thus making clear its position. Its declaration ought to have the effect of untangling the various elements of the church and open the way for Christian unity which has not been considered possible hitherto.

THE REPORT OF THE GOVERNOR'S COMMISSION.

THERE have been many conflicting statements made regarding the situation at Colorado City, growing out of the calling off of the strike on March 31, last. The Gazette has refrained from comment, believing that no good would come from a discussion of the matter and that inasmuch as the governor's advisory commission would in time make further report, any statement as to its probable action would be improper. That report has now been made, after full investigation in detail and its conclusion should set at rest certain charges that have been current. The question really was, not whether Mr. MacNeill had done all that the union desired, but whether he had done what he assured the commission he would do. This, the commission says, he has done.

A COLORADO SPRINGS AUTHOR.

COLORADO SPRINGS has been fortunate in having had a number of authors who have achieved more than local reputations. The latest of these is Mr. Andy Adams, whose book is entitled "The Log of a Cowboy," and which bears the imprint of the notable publishing house of Houghton, Mifflin & Co., Boston. That Mr. Adams' book should have been brought out by the same firm that publishes the Atlantic Monthly, the works of Lowell and Holmes and many others of note is in itself a distinct compliment to this Colorado Springs man.

We can do no better in this connection than reprint the following paragraph from the Boston Transcript of recent date:

Interesting comment on "The Log of a Cowboy," by Andy Adams, published last week, comes from a westerner, who is now a leading member of the Massachusetts bar. He says: "The book deals with a period of history with which I was intimately associated, having spent 20 years of my life on the plains amidst the scenes and circumstances so faithfully described by the author. Most of the places mentioned by him I know well, and many of them I visited during the year mentioned by him. The book is well written, has the true flavor, and on the whole is the best description of that portion of the west I have seen. It is the product of a 'thoroughbred' and carries me back to scenes and circumstances I am glad to have thus recalled." Mr. Emerson Hough, author of "The Story of the Cowboy," says, "Andy Adams is the real thing, and the first time the real thing has appeared in print." The book was in its fourth edition on publication.

Mars has been cutting up capers again, according to a telegram from Professor Lowell at the Flagstaff observatory. A large projection was discovered on May 26, the position angle being 20° degrees and the projection lasting 35 minutes. This will give some of the nimble-witted romancers a chance to declare again that the planet is inhabited.

The Pueblo street railway company has adopted the rule that conductors must stand the loss when they are robbed by highwaymen, as was the case recently. Hence the railway men have decided that they will go armed and take no chances.

The City club of New York is reported to have made the discovery that at least three of the police magistrates of that city are unfit for their positions. Each of the officials, on being interrogated, blandly remarked, "They don't mean me."

Justice seems to have had an inning in the case of Whittaker Wright, who is accused of promoting many fake schemes in England. He was refused admittance to ball and will be extradited.

The Michigan legislature is considering a libel law similar to that of Pennsylvania. If the members will take the pains to consult Governor Pennington, his advice will be "better not."

SHORT STORIES.

The Prisoner's Thanks.

FR. BLACK, the English clergyman whose letters to the newspapers caused the Bishop of London to denounce the marriage of W. K. Vanderbilt and Mrs. Rutherford, visits the London prisons weekly, and tries to reform the prisoners. In this good work he is often successful. Sometimes, though, he has odd experiences. A religious paper told recently how, on one occasion, he devoted a fortnight to the reformation of a housebreaker, and how the housebreaker said to him gratefully at the end of that time:

"Thank you, sir, thank you for what you have done for me. There was a time when I knew nothing of God, and now I know him. You have made me love him both."—(Detroit News-Tribune.)

Swinburne and the Baby.

Algernon Charles Swinburne, according to the statement of one of his "The poet's friends," made a systematic study of babies before he wrote his admirable romances upon babyhood. Mr. Swinburne, who is a bachelor, one day went on tiptoe into the nursery of a friend's house and bent in reverent over the infant that slept there. As he regarded it the slumbering infant smiled, and in the contemplation of this serene smile the poet's heart was filled with joy and awe. But a voice—the voice of the nurse—interrupted his ecstasy.

"It's the wind, bless its heart," the nurse whispered. "When you see the smile in their sleep, sir, you may always know they're troubled with the wind."

Mr. Swinburne scowled and withdrew. On account of the nurse's remark he never wrote a poem on the subject of a baby's dreams.—(Kansas City Journal.)

Du Chailly's Suggestion.

The late Paul du Chailly was a man of indomitable bravery. Nothing perturbed him. In the most desperate crises his air was calm and somewhat humorous.

One of the veteran conductors of the Penitentiary at New York, on the occasion of the announcement of his death, Mr. du Chailly was a man whom you couldn't frighten. Danger seemed to enchain him. I never forget a ride he once took with me. He sat in the last car of the train, a parlor car, and we came near having a rear end collision.

"Mr. du Chailly, from his seat could see the other train approaching us—could see that a collision was pretty near inevitable. He said to me, as I took my stand beside him:

"Conductor, have you got a piece of chalk?"

"What on earth, sir," I asked, "do you want with a piece of chalk now?"

"Why, it looks," he answered, "as if our conductor is a little bit nervous about in a little while, and I think it would be a good thing to mark them, so that we may identify them later."—(Kansas City Journal.)

Remembered He Was Prejudiced.

The prisoner was charged with petty larceny—stealing a dog. A jury had been called to hear the evidence and render a verdict. The attorneys were questioning the jurors to learn of their eligibility to serve on a jury.

"Are you a lover of dogs?" asked one of the lawyers.

"Yes, sir," answered an old German in the back row.

"Do you believe that you could render a verdict according to the law and the evidence and not be prejudiced because you love dogs?"

"Well, no, since I don't think about it. I believe me I show some prejudice."

"Why?"

"I forgot that I own a dog 20 years ago and he was stolen away, and I believe I am still prejudiced."

"I was relieved from jury duty."—(Indianapolis News.)

A VEIN OF HUMOR.

The Unwelcome Hum.

We watch with eager longing for the robin in the spring. And we strain our ears to hear his primal note. Our hearts are filled with gladness when at last we hear him sing.

And the music thrills us rippling from his throat. We like to hear the twitter of the sparrow in the trees.

And the orioles are welcome when they come. And the bluebird charms us, swinging in the tree-top in the breeze.

But we hate to hear the first mosquito hum.

It is rank discrimination, for the skeeter does her best, and she bravely sings the only song she knows.

And it isn't right to blame her if she robs us of our rest. We're settled to enjoy a quiet doze.

She has the best intentions, and she's not at all to blame. If her voice is not as musical as some, but there's really no harm in it. She'll get slapped at, just the same.

For we hate to hear the first mosquito hum!—(Somerville Journal.)

An Absolute Ruler.

See the policeman, where he stands, Impressive, proud and fat, He checks the automobiles as they pass.

They mind his stern, uplifted club, For he's an auto-arc.—(Judge.)

Mr. Quarles—Well, I see old Goldman is dead, and leaves upward of three millions. What you like to be this wicked?

Mrs. Quarles (sweetly)—No, dear, nothing could possibly delight me more than just to be yours.—(Public Ledger.)

First Picket—What's this strike about, any more pay, less work? What's it for?

Second Picket—Nah! The boss didn't take his hat off or take his cig' out when he was in the walkin' delegate wint in ter see him.—(Judge.)

Tourist—I suppose Brimstone Ike has killed his man. Native (witheringly)—His "man"? Why, it was got five miles in the steerin' handle of his automobile already.—(Judge.)

First Venezuelan—What has become of Senator Mazatlan? Second Venezuelan—He is out of politics.

"Did he lose much in the last campaign?" "Two arms and a leg."

There is a young man in Atchison who is such a good dancer that one of his relatives has stopped in the midst of a waltz and said:

"Excuse me, but are we dancing or wrestling?"—(Atchison Globe.)

THERE ARE PROPHETS AND PROPHETS.

The present Cleveland boom and the counter-irritants, applied in this and that quarter recall a good many interesting facts in the ex-president's earlier career which the bulk of the newspaper-reading public had evidently forgotten. For example, how many persons who read the results of the recent poll of the Democratic national committee, which purports to show only three members affirmatively approving the idea of making Mr. Cleveland a candidate for president again, have taken the trouble to compare this showing with that made by the Democratic national committee in the spring of 1892? If they did, they would find a presidential possibility in the preliminary campaign with substantially all the stars in their courses fighting against him as they did against Siera, it was he. The result of the Chicago convention shows how foolish it is to build prophecies concerning nominations upon the friendliness or unfriendliness of a national committee.

Then why should Henry Watterson be so concerned about the return of Cleveland to power, lest he should once more disappoint the expectations of the followers who elected him, when the doubly ridiculous is already on record as declaring that Cleveland could not "carry a civil precinct of the country" if he ran, and that he—Watterson—had a right to demand his third term in mind?

Charles Foster, whose comments on the Cleveland boom are quoted in a dispatch from Middle Bass, O., as those of "a close friend of Mr. Cleveland's," who appears in the light of a spokesman for the former president, "feels that Cleveland is already on his feet."

In denying a divorce to Mrs. Gladys B. Lange of Edgebrook, Judge John W. McElhinney of St. Louis, outlined the obligations of married persons. His rules follow:

A wife should be fully emancipated from her mother.

It is the duty of both to forsake father and mother and cleave to each other.

The husband is the head of the family, and it is the wife's duty to live where he chooses, in the style he adopts and the abode his station in life justifies.

Every presumption is in favor of the wife's innocence; she is probably surer of the path of virtue than he. Let him trust her as he expects to be trusted and mutual confidence will inspire both to be true.

Let the husband not toy with thoughts of suicide. It is out of date, well-nigh obsolete. It is no longer deemed a crime, but is no longer proof of moral cowardice.

The husband should not sulk. He should be proud of his wife, if others admire her, instead of being jealous.

Mrs. Lange charged intolerable indignities in her petition, one of which was that her husband had tried to induce her to commit suicide. He admitted that he poured out a glass of laudanum, but maintained that he intended it for himself. Other charges were that he was jealous, that he criticized a dress worn by his wife as indecent, and that he attempted at one time to shoot her.

The court considered all the facts in singular. It held that the criticized dress was entirely within the proprieties. "The declaration of the husband that he had a right to demand his wife until she proved herself true reverses the well-accepted presumption of innocence and right conduct, and was wholly indefensible—the product of a mind diseased by passion, and not foolishly jealous," said the court.

Regarding the husband's action, the court said: "Such occurrences are not infrequent and may happen in regulated families. They seldom lead to dire results."

He Was Embarrassed.

"It should be considered," said the court, "in mitigation of the conduct of the defendant, that he is youthful, ardent, devoted and was constantly harassed by being surrounded by his wife's family, and that he is extremely conscientious in the discharge of his duties."

"I am constrained to think that the main difficulty was in the fact that he did not have the opportunity to explain himself on an independent footing. Continued cohabitation with remedy is not to annul the marriage, but to let the couple get away from disturbing influences and have the opportunity to develop into that union which is the normal state of married persons."

"With the affection that still exists between the laws, natural and artificial, governing such cases, and direct of the contrary development of their ultimate happiness."

RULES FOR MARRIED FOLKS.

Mrs. Lange's Allegations.

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EMERSON THE CITIZEN.

In the course of the Emerson centenary celebrations, now full upon us, we shall hear much of the "voice oracular" which sounded in the ears of Matthew Arnold, as well as of the "Prophet of the Conquest in Virginia," and which, we would fain hope, still comes with trumpet call to eager youth. We shall be told of the skilled rhetorician, with keen eyes for the right word of which Dr. Holmes gave his amusing account, and with readiness to exalt at one time "Fate," at another "Power," in the certainty that the reader would be drawn from the very antithesis and exaggeration, the due impression intended. Emerson the philosopher will be discussed, and just why he narrowly failed of being a great poet will be explained. We may be pardoned if we dwell for a moment on the humbler theme of Emerson the citizen.

His theory and practice of "the republic at home," seem to us to be peculiarly appropriate. They have a peculiar present pertinence. We are passing through a period when the right and duty of free, full, independent criticism of governmental and national conduct are being challenged. On the one hand, we have seen the opposition of many right-thinking men muffled because they feel that it will be of no use. On the other, we have pro-

test hissed at as disloyalty. But all this was abhorrent to Emerson's soul. "If the motto on all palace gates is 'Hush,' the honorable ensign to our town is 'Obey.'"

Now the supreme public duty of all thinking men is to assert freedom. Go where it is threatened and say, "I am for it, and do not wish to live in the world a moment longer than it exists."

And Emerson's civil conduct was of a piece with his teachings. He sent a strong letter of protest to President Van Buren, at the time of the unlawful and violent expulsion of the Cherokees from their own land—a letter which it is probable, as Emerson's biographer says that the "sleek patriot" in the White House never read. No matter how the nation had done his duty and freed his mind. He had lived up to his own precept, as he did again at the time of the fugitive slave act: "Let us not lie nor steal, nor give aid to steal, nor let us call stealing by any fine names, such as union or patriotism."

New England is today building the tomb of that prophet of the civil conscience, and the nation is preparing a former generation stoned Emerson.

By breeding and intellect an aristocrat, Emerson's political convictions carried him into the party of reform and progress. Though, like Mark Twain, he confessed his preference for living with the Whigs, he also acknowledged to wishing, on principle, always to vote with the Democrats. He was a Whig who heard Emerson lecture in 1839, said that he could account to his enthusiasm in defense of the right of man only on the supposition that he side-had pressed on with such unflinching definiteness and ardor of conviction that he finally espoused the cause of John Brown, saying (we quote from Col. Higginson):

All gentlemen are on his side. I do not mean by gentlemen, the people, a scented hair and perfumed handkerchiefs, but men of gentle blood and generosity, 'fulfilled with all nobleness, like the earth, giving forth life, and a share of their life like the dying bird, pass the cup of cold water to the soldier that needs it more.'—(New York Post.)

that employees must be at liberty as a united body to make free use of their own strength, to demand pay or for changed conditions, just as employers, either collectively or separately, must be free to refuse demands, or to make counter claims, or to demand the resignation of the unruly or of employees who have generally prevented them from presenting a united front to the demands of organized labor. The fact that they have come in to resist their demands is evidence that the demands are becoming intolerable; but even that fact does not teach us that society would be better off without organizations of working men, or that collective bargaining could be safely dispensed with. It merely tells the old tale that in this self-seeking world all sorts and conditions of men must guard their own rights as best they can, and that there are no other signs, no class can safely entrust these tasks to any other class. This maxim applies to employers and employees alike. The best defense of each against the other is to resist them on their own terms, which union implies and most commonly guarantees.—(New York Evening Post.)

Ex occidente lux. The first extensive and sweeping settlement of the labor troubles now or lately afflicting the country comes from Denver, a locality in which we should hardly have expected to find a precious example of moderation and good sense. That city, however, has been lately divided into opposing camps of capital and labor, and the organizations have been so completely that they have seemed to reproduce the old fable of the belly and the members. But just as the starving process was about to begin, a committee of the chamber of commerce and of a local labor union came together, and made a settlement which was ratified on both sides, and all strikes, lockouts, and boycotts were declared off. The dispatches say that the victory seems to be with the laboring men, and that the city is now in a mood of praise for the conciliatory mood which they have displayed, but we observe that while the agreement forbids employers to discharge workmen because of their affiliations with unions, it also permits them to employ non-union men. The other terms of settlement are equally honorable to both sides, embracing a plan of arbitration for all existing disputes in all lines of business, and a decision in well worth study and acceptance by other cities similarly perturbed.

The Denver troubles, like most of those now existing in the United States, were the result of a peculiarly local labor confronted by organized capital. Although unusual, this was not the first example of the kind that we have witnessed. The great strike and lockout in the building trades in Chicago, which lasted a year and a half, was a precursor of what we now behold in New York, Omaha, and several smaller cities, and again in Chicago itself. The combination of employers is a natural and inevitable result of the evolution of what economists call the problem of distribution. This problem asks the joint product of labor and capital shall be divided. What proportion is each party entitled to receive, and by what tribunal shall the respective shares be determined?

Nobody now questions the desirability of collective bargaining by those who have labor to sell, since in no other way can they be reasonably sure of getting their fair share. It follows

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Creeping Along the Mountain's Edge

Flitting in and Out of Sight Like a Huge Firefly. ❀ ❀ ❀ ❀

"HEADLIGHTING" is a new amusement in Colorado Springs. "Headlight parties" are already beginning to be formed and these long summer evenings thousands of eyes will be scanning the shadow-black hills for the anemic fireflies dancing in and out, up and down the mountain sides. The effect—the appearances and disappearances of the luminous spots of light—is indescribably weird. One moment a spark-like comet sails along in a trail of sparks resembling a golden milky way; the next, the comet goes into temporary obscurity, but for a mile or more huge bowlders flash out, gigantic trees stand like sentinels of silver, and a picture from fairyland hangs half way between the gloom of the earth and the starry sky.

The Pike's Peak region can boast of another scenic attraction and the words of Cy Warman's famous "It's day all night in the daytime, and there is no night in the daytime," may be paraphrased into something similar for Colorado Springs from the tourist's point of view. With moonlight drives in the Garden of the Gods and the moving pictures of the mountains, to say nothing of the many other social diversions offered when the dial of the clock in the court house tower glows like a smaller moon, the city at the foot of Pike's Peak need not cast about for entertainment for its guests. If the guide books contain no mention of the headlighting feature, the next edi-

tions surely, in view of the popularity of headlight parties, will draw attention to the discovery that has just been made that rarely in this world is a more thrilling sight afforded—of a train, comet-like in its brilliancy, dropping from the clouds.

A headlight party, to be plain, is a party watching the incoming trains on the Colorado Springs & Cripple Creek District railway, the "Short Line." It may be prearranged or informal. At one of the large residences on North Cascade, where there are eastern friends on a visit, several of these headlight parties have been given with much success after dinner. The men smoke and there are decanters and glasses on a table lighted by candles shielded from the wind by the close-drawn piazza shades. For it is essential that a headlight party be given on the veranda or some place where an unobstructed view may be had of the mountains to the south, Cheyenne loom- ing black and in exaggerated height against the sky, and the higher, jagged line marking the range. Coffee and cordials are served on the veranda, and with the electric lights shaded, the party spends the time in converse and in watching for the headlight.

The tracks lead from the city westward to the foothills and then the steep ascent is begun. For miles the grade leads sharply up into the clouds, past deep forests, over high trestles, turning, doubling back over great stretches of mountain side to make a thousand feet or so. The grade, from Colorado Springs is so steep, the distance so far and the panorama of mountains so vast, that the trains seem to slide with wonderful speed to the earth.

At a point nearly 20 miles away, between the station called Duffields and the summit the first glimpse of the approaching headlight is secured. It is then a tiny star twinkling in the engulfing blackness, a star that grows gradually greater and of startling beauty, as stars go—judged from their radiance. The summit is the highest point on the line and it is possible in Pueblo, with the aid of a good pair of field glasses, to see the headlight, 45 miles away.

Our party watches, as the star, still so small that it is scarcely distinguishable, approaches, as if it is playing a game of hide-and-go-seek. From Duffields to the long, straight track across country to the city, there is an almost constant succession of views of the prairie. In the daytime, with the sun lighting the plains and creating delicate shades—lens of miles in extent, these ribbons are of pink and green and azure, of blues and yellows, the train glides past great rifts in the forest-clad mountains and the passenger holds his breath in awe at the wondrous work spread before him.

It is now, in the evening when the last rose tint has faded from the sky and the shadows that were stretched weaving in and out, ever climbing, but a moment ago at the feet of the mountains, have become a part of the dense black of the visible landscape, that these rifts afford glimpses of the electric headlights of the locomotives or, perchance, of a long, lighted passenger train rushing on its way to the city.

Fairview, and the party on the North Cascade veranda forget to sip their coffee or smoke. There is a streak of misty silver where the rays flash dazzlingly on the Cascade falls which tumultuously make their way over a granite ledge above. Should a wind be blowing it seems that a golden veil is being rent in twain by the comet; in

the gloom from which they have momentarily emerged and the headlight plunges on.

Until the train arrives at the mills west of the city the spectacle grows, if less enthralling, more brilliant. The light, as it comes nearer, changes. It

The members of the headlight party have many suggestions to advance of what it reminds them. Several say the first appearance of the headlight 20 miles away is for all the world like the mast-lights of ships at sea, tossing with the surge of the waves; the majority confess they feel like shuddering when the light seems to menace the



Rounding the Curve at Point Sublime. Trees, Foliage and Rocks Stand Out in a Picture Seemingly Suspended Between Heaven and Earth.

The rocky slopes of St. Peter's Dome catch the electric rays and throw them with all the added strength of reflection across chasm and canyon and out into the inkiness of the night. At South Cheyenne canon the metamorphosis of the headlight into a comet with a fiery trail takes place and the dainty, dancing firefly becomes a thing of past delight. Every burst of smoke now is a plume or a canopy for the luminary that appears making its way on destruction bent, with fierce speed to the earth.

It follows the serpentine track to falls to pieces; the trees, the castle- its ruthless path it scatters the diamond drops right and left and then, passing, leaves them lusterless and dead, to freeze.

For a moment, the great light poises at Point Sublime. With a glass the tracery of foliage made white and as sharply drawn as if covered with frost, becomes distinct. It is a scene that one would keep always, so ethereal it is as it stands out, cameo-like, against the black of the background—but, with the sharp whistle that the echoes multiply in mellowed cadences, the picture

is sharp, instead of a rich golden, and the track gleams like two long, very thin needles of silver. But when the plain is reached the outlines of the train assume shape, the lighted windows become distinct and the comet-appearance is lost. Although the speed is not slackened, the fact that comparatively level track has been attained causes the impression, due to the steady progress eastward, that the train is crawling into the city, whereas it is making twice as good time as during the sensational-appearing descent

of the mountains.

World in comet fashion and the mind instinctively leaps to the prophecy of the fire being the means to the end of all sublimity things; and the fear of the worlds. All are agreed that the mighty scene on the Short Line, whether it be afforded by freight or passenger trains, is not only one of strange beauty but that it has a thrilling grandeur of its own, partly due to that minor strain of superstition in all of us, partly to the biblical passage, but surely of the sense of the infinite embodied in the space and darkness of night, in the silence and vast stretches of the mountains.

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When the Train Sweeps Into Sight Near Duffields; the First Glimpse of the Comet-like Headlight.

The Battle of Pleasant Hill

ONE OF THE HOTTEST ENCOUNTERS OF THE WAR

By D. W. ROBBINS.

HAVING been requested at this memorial time to write a short history of some of the battles in which I was one of the boys in blue, I will attempt to give your readers a short account of the Red River campaign.

My regiment, the Thirty-second Iowa, was a portion of A. J. Smith's command. Our brigade was composed of the Fourteenth, Twenty-seventh, and Thirty-second Iowa and the Twenty-fourth Missouri, and was commanded by Colonel W. T. Shaw. On the 10th day of March we boarded the steamer Southwestern and about 4 o'clock the signal gun was fired and 21 transports hauled in their cables and swung out into the Mississippi on that ill-fated expedition. At the mouth of the Red river we joined the marine brigade.

As the fleet of gunboats and transports moved up the channel of the old river, about noon of the 12th, the scene as presented to the eye of the soldier from the hurricane deck of the Southwestern was truly grand.

At times the fleet moved in groups or clusters, and in some bends the whole could be seen at one view; and as the transports were densely packed with soldiers in blue, together with the gaudy uniforms of the marines on the gunboats, and all with Stars and Stripes floating in the breeze, was a scene not soon to be forgotten.

Disembarked. We were disembarked at Simms' Landing, and on the morning of the 14th, at 5:30, we were started for Fort DeRussy and Beauregard, distance 28 miles. About 1 o'clock we came to a landing, turning to the right at right angles, when we were startled by the boom of artillery in solid shot and shell coming greetingly down the lane to meet us.

Starting on double-quick forward, we were soon exposed to a full raking of the heavy guns of the fort. Ours was an when "forward!" yelled our colonel, advanced position; and was intended and we sprang into battle and by a double-quick move, we soon gained

shelter in a small ravine just under the forts. Soon we received orders to charge, and with the rest of our division, commanded by General J. A. Mowers, both forts with all they contained were soon ours.

After destroying the forts we were again taken on our boats and proceeded to Alexandria, where we joined Gen. N. P. Banks, who was then in command. With its cavalry and wagon train of several hundred wagons, he was started for Shreveport, leaving his infantry one and two days in the rear. The result many of your readers well know. On the evening of April 8, Banks met the confederates in strong force, and the result was that his army, viz: the Thirteenth corps, was badly whipped. His wagon train was captured, and the Nineteenth army corps was hurried up and was also defeated or driven back. A. J. Smith's troops, a portion of the Sixteenth corps, was hurried up to Pleasant Hill, where they went into camp, and early the next morning the road was lined with the retreating forces that had been defeated the day before.

Great Confusion. My brigade was ordered to the front and we found it almost impossible to get into the road without being trampled under foot. The road was a jam of six-mule teams, each striving to make the most speed to the rear. We passed to the left of the village and then bearing to the right we crossed a small stream, when we came to the edge of a large open field. Then filing left we moved down along the edge of the field forming a line facing westward. After we had remained here some time, we could see the confederates forming on the opposite side of the field. Our position was a very important point, being on the main road leading from Pleasant Hill to Mansfield. The Thirteenth and Nineteenth corps were being formed with a portion of the Sixteenth corps some distance to our rear. Ours was an when "forward!" yelled our colonel, advanced position; and was intended and we sprang into battle and by a double-quick move, we soon gained

And on looking across the field to the timber beyond, it was alive with troops. The woods were full of cavalry preparing for a charge, and coming into line at a gallop. Here they come on a gallop and with a yell!

Were Cautioned. Colonel Scott and our officers passed quickly along our line cautioning the men to keep cool.

He said: "Keep cool, boys! Down! Hold your fire! Let them come within 50 yards and empty their carbines; life could be grand and fearfully subtle and then take careful aim and not miss, the repulsing of that charge surely was.

We were lying down; their carbines emptied, and they overshot us. Their horses and riders fell. Some rode into right hands reached for their sabers to make a saber charge, when the rifles of Shaw's brigade answered back.

The range was close and deadly. If the cavalry charge there was a lull for a few moments. Then came the infantry. At first they came at right shoulder shift. You could hear the command of their officers: "Dress up on the right; steady on the center; steady, steady, boys; keep cool; keep cool!" as with measured step they moved steadily forward.

Colonel Scott and other officers again passed along the line, cautioning the men to keep cool and hold their fire. "Let them come; let them empty their guns, and then shoot low; never shoot above the belt," he said. Their fire was delivered. We had a little the lower ground, and were overshot.

"Fire! Fire!" was the order, as our Springfield rifles answered back. Their line wavered and reeled back, as many fell to the ground. That charge was broken. But still came charge and volley after volley of musketry, although "Still with murderous slaughter Pelted back, they came again."

Were Outflanked. There was a short lull. But here from our right flank, from our left flank, and even from our rear, comes a murderous fire. The enemy had passed our left flank, and the other regiments of our brigade on the right had been ordered to fall back, but no order was sent the Thirty-second.

And here we were, our ammunition exhausted, and zip, zip, came the minie balls from right and left and rear. Colonel Scott, comprehending the situation, ordered a careful movement to the left and rear, with open ranks, to avoid if possible the fire of our own troops; and in the dark we made our way and formed a junction with the Twelfth and Thirty-fifth, Iowa brigades. The Thirty-second Iowa went into the battle with 409 men and lost 216, being over 50 per cent of loss.

Just at the close of the day the confederates were badly whipped, having struck our main line and retreated back to Mansfield, while Banks, leaving his dead and wounded, retreated towards Alexandria.

And thus ended the battle of Pleasant Hill, so named, and the postoffice is so called to this day.

I have hurried through with a narrative or account of one of the hottest little battles of the war, as the confederates in our front were as brave as any men that ever fought a battle.

Infantry Charge. After the cavalry charge there was a lull for a few moments. Then came the infantry. At first they came at right shoulder shift. You could hear the command of their officers: "Dress up on the right; steady on the center; steady, steady, boys; keep cool; keep cool!" as with measured step they moved steadily forward.

Colonel Scott and other officers again passed along the line, cautioning the men to keep cool and hold their fire. "Let them come; let them empty their guns, and then shoot low; never shoot above the belt," he said. Their fire was delivered. We had a little the lower ground, and were overshot.

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I have hurried through with a narrative or account of one of the hottest little battles of the war, as the confederates in our front were as brave as any men that ever fought a battle.

Hail, to the Blue and the Gray. Hail! Hail! to the Blue and the Gray—The Blue of the garb and Gray of the hair. Soldiers of freedom, now far on life's way, Once more do we greet you with song and with prayer.

We sing of the scenes that called you forth When your young hearts thrilled to the hot tide of war Of deeds that set high your soldierly worth In quiet of camp or battle's wild roar;

Of comrades who fell in terrible fray, Whose bullets and shells hissed thick in the air; Of others who sleep in the home land today, 'Mid the verdure and bloom of tenderest care.

And your prayer is ours, as one it is spoken, That peace be the aim, but with power to fight, To protect what you saved, and keep it unbroken—A nation whose flag is the symbol of right. Hail! Hail! to the Blue and the Gray.—Omaha Bee.



D. W. ROBBINS.

The Spanish government has revived the regulation requiring all foreigners resident in or visiting Spain to register their names at their consulates.

Concentrates From
News of the Day

Washington, June 3.—Forecast
for Colorado: Fair Thursday;
warmer in west portion; Friday
fair.

Silver 33 1/2; lead 4 1/2.
New York stocks showed strength up to
the closing hour when prices broke
down on call, closed at 2 1/2 per cent.
There was a selling movement in grain
due to improved weather conditions but
the demand developed and the close was
good.

LOCAL.

Pioneers will dedicate new Cutler academy
and arrangements have been completed
for commencement exercises next
Monday.
Hackmen of the city organize union to
secure equal of ordinance which they
claim is operating against them in the in-
crease of the Colorado Springs Transfer
company.
Judge A. T. Gunnell sues President W. K.
Gillett, the Denver & Southwestern
Ry. Co., claiming judgment for services
performed in the settlement of the Crip-
ple Creek rate war.
Former Police Officer, Shemwell threat-
ens to reward growing out of the ar-
rest of Robert Christy for gambling.
John Hays Hammond leaves for New
York after conducting examination of
mining properties in the Colorado
Springs district with ptomaine poisoning
and to leave Mexico.
Kansas editors compelled to postpone
trip west because of floods.
Rubin Goldmark will be a program of
concerts to be given by the college glee
club.
Galaxy of brides and June roses proves
that Cupid is not dreaming in Colorado
Springs.
Christian Endeavorers hold meetings and
discuss important steps to provide for
entertainment of delegates to the Denver
convention who will visit this city.

STATE.

On face of the returns of the nominees
in the Democratic-Civic ticket were elect-
ed delegates to the charter convention;
counts are probable.
State board of equalization has complet-
ed its work.
Denver is planning to send large dele-
gation to meeting at Pueblo of Colorado
State Realty association.
American Labor union voted against re-
moval of headquarters from Butte, Mont.,
to Denver.

GENERAL.

Train lost between Chicago and Kansas
City is reported to be through its
name whereabouts is still unknown.
Prominent action in securing bonds prevent-
ing of the Chicago board of trade.
The freight steamers and freight hand-
lers employed by the whole state houses of
the Louisville have returned to work after
being on strike for several weeks.
Steamer towing large barge struck with
Sunday school excursionists struck a pier
in the bridge at Hannibal, Mo., and three
lives were lost.
First conference of state and national
boards of health was held in Washington
yesterday.
Mississippi river at St. Louis is rising
and a 15-foot stage is expected by
Saturday; sufficient warning has been
given so that minimum loss is expected.
At Helena, Montana, James E. Keel,
one of the best known civil and mining
engineers in the northwest, was found
guilty of murder in the second degree for
killing Thomas Crystal, a barkeeper.
General Crozier, chief of the bureau of
mines, has received a report from the
inspector at Fort Leavenworth, ap-
proving the 34-inch rifle as an army
weapon.
President Roosevelt yesterday spoke at
nine different towns in Illinois.
It is announced authoritatively that
Senator Moody will not remain in the
cabinet longer than the present term of
President Roosevelt.
Fires are destroying the forests of
Maine.
Trial of Curtis Jett and Thomas White,
indicted for the murder of J. B. Mar-
cum, has been set for Monday.
The bronze statue of Garrett A. Hobart,
erected at Paterson, N. J., in his honor,
was unveiled yesterday; the orator of the
day was John V. Griggs, attorney gen-
eral in McKinley's cabinet.

FOREIGN.

France has signified willingness to ad-
just protocol providing for submission
to the Hague tribunal of preferential
treatment growing out of the late Vene-
zuela blockade.
Unconfirmed rumors are in circulation
at Belgrade, Serbia, that King Alexander
of Serbia has been shot at the palace
after having been dragged in at-
tempt to poison Queen Draga.
The Monte Di Pietra (state pawn brok-
ing) at Naples, was destroyed
by fire and the strong room filled with
valuables was gutted. The damage, ac-
cording to some reports, amounted to
\$100,000.
It is believed in Washington that Colum-
bia will ratify the Panama canal treaty.
Pending creation of new legation build-
ings for the United States in Peking, the
legation will occupy an old Chinese temple
situated on the grounds allotted to the
United States by China.
The Union correspondence of a London
journalist reports that the management
at Oporto have gone on strike against
their excessive hours and small pay. An
outbreak of disorders and a general strike
is apprehended.

MINING.

Hon. Waldemar Lindgren, special gov-
ernment agent, will arrive in Cripple Creek
within the next 10 days and immediately
inaugurate the resurvey of the Cripple
Creek quadrangle.
R. E. Moss of Chicago, a pioneer
of the Granite mining district, is opening
a good shipper in the John Walkenshaw
mine.
The Washington Gold Mining company
shipments from four creeks of ore in the
34 and 35-foot levels.
The production from the Mary McKim
mine during the 25 shipping days of
May was approximately 1,800 tons of
ore valued at \$100,000, of which \$12,
000 went out under lease to the
Phidley company. The company has
been at work in driving out the fire
and hopes toward the Hill City placer
mine to develop development to encounter
some of the bonanza shoots of that mine
in the near future.
John Johnson, the Lucky Swede, of
Cripple Creek, has just opened a new ship-
ping from the Macdonald estate at a depth of
200 feet where he is mining three feet of
ore to three ounces.
The Par Valley Mining company has re-
ceived a lease on both the Mary Cashen
and the Columbus mines after a shut-
tling of several weeks. The lessee will
invest considerable money on develop-
ment work.
The Omar Gold Mining company has
been working on the Par Valley on its
Cripple Creek mine. It was last Monday
that it conferred with the Par Valley
owners of the Montgomery Gold Mining
company, just organized to develop some
Cripple county mines.

HANNA IN FULL CONTROL
OF OHIO REPUBLICANS

Preliminary Meeting of State Convention--The
Senator Refers to Roosevelt as "That Heroic
Young Man"---Resolutions Agreed Upon
Commend Roosevelt and Favor
His Election and Hanna's.

By Associated Press.
Columbus, Ohio, June 3.—The open-
ing sessions, as well as the preliminary
meeting of the Republican state con-
vention today, showed that the claim
that this is "Hanna's year" with the
party in Ohio was well founded. It is
evident that his friends controlled
almost all of the 21 congressional dis-
tricts. The closest contests were for
members of the state central commit-
tee, on which there are 17 Hanna men.
On some of the other committees the
Hanna element was more nearly unani-
mous. It is generally known that
Myron T. Herrick, who will be nomi-
nated for governor without opposition,
joins Senator Hanna in the desire not
to dictate the nominations for all the
state offices and at the same time no
fighting is wanted on the floor of the
convention.

The Auditorium was packed when
J. B. Clingerman, chairman of the
state central committee, called the con-
vention to order this afternoon. When
Senator Hanna was introduced as tem-
porary chairman the demonstration was
long and loud.

Hanna's Address.
Senator Hanna said in part:
"I congratulate the Republican party
of Ohio upon this splendid representa-
tive body and I bespeak for the Repub-
lican party of Ohio the hope and the
wish that your deliberations will be
governed by good judgment and proper
spirit."

"I claim in the light of experience
of the last half century we owe much
to the fundamental principles of the
Republican party for the benefits that
have come to our people.
"Every time the Republican party has
placed at the head of the executive
affairs of this state their chosen can-
didate, it was a guarantee that the best
interests of the people would be sub-
served, and that all the necessary at-
tributes of an economical and pro-
gressive administration would be the
result. Time and results have proved
that fact, and on this occasion it is a
pleasure to me, hearing the close of
the present administration, to pay that
tribute to your present governor which
he so richly deserves."

"What can be said of Ohio can be
said of our nation.
"Republicans today can congratulate
themselves that in the direction of na-
tional affairs they have realized all
they hoped for and all they expected
in the administration of Theodore
Roosevelt. (Applause.)

"That Young President."
"We look back but a few short
months, when that heroic young man,
standing under the gloom of that awful
tragedy at Buffalo, feeling an appen-
ding responsibility which had come
upon him and in the presence of the
American people, made that sacred
promise to them that to the best of

CONFERENCE OF STATE AND
NATIONAL BOARDS OF HEALTH

By Associated Press.
Washington, June 3.—The first con-
ference of state and national boards of
health under the act of July 1, 1902,
began here today. Surgeon General
Wyman of the marine hospital service
presided.
Dr. Wyman in an address said that
the great end in view was closer asso-
ciation and union of effort between
state and national health authorities.
Dr. Wyman briefly described the
system and workings of the United
States public health and marine hospi-
tal service and suggested a plan of
organization by which the work of the
national and state health administra-
tions might be co-ordinated and made
more effective.

The conference adopted a resolution
expressing approval of the methods of
co-operation suggested by Dr. Wyman.
Dr. Foster, of California, gave a de-
scription of quarantine operations in
that state, particularly in relation to
the plague danger in San Francisco.
He said that with the vigorous cleaning
of Chinatown, the fear of another at-
tack of this disease was rapidly dis-
appearing. He attributed the success
achieved to the hearty co-operation ex-
isting between the city, state and na-
tional health officers in endeavoring
to stamp out the infection.

In all 21 states were represented at
the conference.
A long discussion of local health and
quarantine conditions was held, the
various representatives explaining the
sanitary laws and the method of car-
rying out in their particular states,
addresses being made by Doctors West-
brook of Minnesota, Hunter of Mis-
sissippi, McAlester of Missouri, Probst
of Ohio, Smith of Oregon, Lee of Penn-
sylvania, Swartz of Rhode Island, Sim-
on of South Carolina, Tabor of Texas
and Cooper of Delaware.
The conference adopted the follow-
ing resolution:
"Whereas, The conference of the
state boards of health of the United
States with the public health and
marine hospital service, having con-
sidered in the earnest efforts and ability
of the governor and state board of
health of the state of California, acting
in harmony with the bureau of public
health and marine hospital service to

A. T. GUNNELL SUES
GILLETT FOR \$100,000

Asks Judgment in That Amount for Al-
leged Services in Settling Cripple
Creek Rate War--Sensational
Allegations Made.

Judge A. T. Gunnell filed suit in the
district court yesterday asking judg-
ment in the sum of \$100,000, alleged to
be due for services rendered in the set-
tlement of the rate war between the
lines of the Denver & Southwestern
Ry. Co., entering the Cripple Creek dis-
trict, and the Short Line. The com-
plaint alleges that securities of the
Midland Terminal Ry. Co., Florence &
Cripple Creek Co. and the Golden
Circle Co. are owned by the Denver &
Southwestern Co., and all of these com-
panies are made defendants in the suit,
together with W. K. Gillett, president
of the Denver & Southwestern.
It is alleged that Gillett on March 10,
1902, engaged the plaintiff to use his
best influences to bring about the ter-
mination of the rate war, "knowing
that the plaintiff was intimately asso-
ciated in a business way, and other-
wise, with the principal officers and
holders of the stock of the Colorado
Springs & Cripple Creek District Rail-
way Co., and that he did, "then and
there agree to and with the plaintiff,
on behalf of the said defendant corpo-
rations, and on his own behalf, that if
he, the said plaintiff, would assist him,
the said Gillett, in bringing about a
settlement of the said rate war, the
defendants would pay to the plaintiff
the sum of \$100,000, in the event the
settlement thereof should be effected."

Under the terms of this agreement,
Judge Gunnell claims that "thereafter,
on or about the 25th day of June, a
settlement of said rate war was ef-
fected."
After setting forth the incorporation
of the various railroads involved, the
complaint makes the following allega-
tions:

Allegations.
"That on or about the 10th day of
March, 1902, and for a long time prior
thereto, a passenger and freight "rate
war" existed between the defendant
corporations, on the one hand, and said
The Colorado Springs & Cripple Creek
District Railway company, on the other;
that by reason of the said "rate war,"
the rates and charges for carrying pas-
sengers and freight to, from and
throughout said Cripple Creek mining
district were greatly demoralized and
were reduced to a point far below that
which had prevailed prior to the inau-
guration of said "rate war," and to a
point far below fair, normal and just
rates for the transportation of passen-
gers and freight as aforesaid, and that,
as a result thereof, the stocks, bonds
and securities of the defendant corpo-
rations had been greatly impaired.
"That the conduct of the said "rate
war" and the settlement thereof on be-
half of the defendant corporations was
by them entrusted to the defendant W.
K. Gillett, and that the said W. K.
Gillett, in addition to his official posi-

tion with the said defendant corpo-
rations and in addition to his being en-
trusted with the conduct and settlement
of the said "rate war," had a personal
interest in the settlement thereof by
reason of the fact that he had been the
promoter of the consolidation above
mentioned and had induced his friends
and clients to invest in the securities
of the Denver & Southwestern Railway
company, which securities had been
greatly impaired and reduced in value
on account of the said "rate war."
Was Approached.
"That on or about the 10th day of
May, 1902, the defendant W. K. Gillett,
knowing that the plaintiff was inti-
mately associated in a business way
and otherwise with the principal offi-
cers and holders of the stock of said
The Colorado Springs & Cripple Creek
District Railway company, approached
the plaintiff for the purpose of securing
his services to aid him, the said W. K.
Gillett, in bringing about a settlement
of the said "rate war," and that the
plaintiff agreed to and with the plaintiff
on behalf of said defendant corpo-
rations and on his own behalf, that if
he, the said plaintiff, would assist him,
the said W. K. Gillett, in bringing
about a settlement of the said "rate
war," the defendants would pay to the
plaintiff the sum of \$100,000, in the event
the settlement thereof should be ef-
fected."

"That the plaintiff agreed to and
did then undertake in conjunction with
the said W. K. Gillett, and on the
terms by him offered, to bring about a
settlement of the said "rate war,"
on the terms aforesaid, and spent a large
amount of time and certain sums of
money in endeavoring so to do; and
that thereafter and on or about the
25th day of June, 1902, a settlement of
the said "rate war" was effected be-
tween the defendant corporations and
said The Colorado Springs & Cripple
Creek District Railway company.
"That thereupon and by reason of
the said settlement and the agreement
aforesaid, the defendants became in-
debted to the plaintiff in the full, true
and complete sum of \$100,000; that
the plaintiff has demanded payment of the
said sum from the defendants, and that
they have wholly and entirely failed
and refused to pay the same.
"Whereas, plaintiff prays judgment
against the defendants for the full, true
and complete sum of \$100,000, together
with interest thereon at the rate of 8
per cent. per annum from the 25th day
of June, 1902."

The Fight.
The Cripple Creek rate war is still
fresh in the public mind. It extended
over several months, and such a slash-
ing of freight and passenger rates was
never known in the railroad history of
the west. Passengers were carried
from Colorado Springs to Cripple Creek
and back again for 50 cents over the
Colorado Midland and Midland Ter-
minal roads, and the Short Line round-

(Continued on page 12.)

CHAMBERLAIN URGED TO
PROCEED WITH CAUTION

Ministers and Unionist Party Generally Advise
Deliberation Before Moving in the Matter
of Colonial Secretary's Imperial Zoll-
verein Proposals.

By Associated Press.
London, June 3.—A telegram was re-
ceived today from Alfred B. Eakin,
the attorney general of the Australian
commonwealth, saying the Australian
states approve Colonial Secretary
Chamberlain's proposals. Only an ex-
treme section of free traders oppose
them and an immense majority is as-
sured for the new policy when it is
submitted to the country.

In reply to a correspondent who in-
quired regarding the alleged hostile
feeling in the colonies toward Mr.
Chamberlain's imperial zollverein propo-
sals, the colonial secretary has writ-
ten the following letter:
"I need hardly point out to you that
if colonial opinion were indeed hostile
or even apathetic, there would not be
the slightest possibility of carry-
ing through so great a reform, and I
should feel justified in abandoning the
struggle if I were not warmly sup-
ported by the colonies. I do not, however,
accept the reports and articles on Aus-
tralian opinion and any way very cer-
tainly and shall certainly be much in-
terested to know what is the final
judgment as far as public opinion can
be tested when the nature of my pro-
posals becomes known."

The expected meeting of the cabinet
has not yet been held but the cue of
the ministers appears to be to earnestly
repudiate any intention of appealing
to the country in the near future.
The long president of the local
government board, speaking at En-
worth tonight, took this view, and
declared that the government would
take their own time and not allow their
hand to be forced by the opposition.
The great problem being smothered at its birth by a
flood of declamation.

BIDS FOR THE CONSTRUCTION
OF THREE NEW BATTLESHIPS

By Associated Press.
Washington, June 3.—Bids were
opened today at the navy department
for the construction of the Minnesota,
Vermont and Kansas, the three 16,000-
ton battleships, authorized by the last
congress, each to cost not exceeding
\$12,000. The Newport News Ship-
building company of Newport News,
Va., was the lowest bidder for one ves-
sel; the William Cramp & Son Ship
and Engine Building company was the
only bidder for more than one ship.
These battleships will be the most
powerful of the American navy. They
will have acquired speed of 18 knots,
a displacement of 16,000 tons, a main
battery of four 12-inch, eight 8-inch
and 12 7-inch breech-loading rifles, and
a secondary battery of 18 4-inch, one
4-pounder, rapid-fire gun, 12 3-pounder
semi-automatic guns, six 1-pounder
automatic guns, two 3-inch field pieces,
two machine guns and six automatic
guns.

Arrangements of the batteries will be
as follows: The 12-inch guns mount-
ed in pairs, in two electrically controlled
balanced, elliptical turrets, on the cen-
ter line, one forward and one aft, each
with an arc of fire of about 270 degrees;
the 8-inch guns in four electrically con-
trolled, balanced elliptical turrets, two
on each beam, at each end of the su-

MACHINISTS STRIKE ON
UNION PACIFIC SETTLED

By Associated Press.
Omaha, June 3.—The machinists strike
on the Union Pacific system that has
continued for more than 11 months
was ended today by a conference be-
tween President Burt of the railroad
and representatives of the strikers and
the 1,000 men who have been on strike
will return to work next Monday. The
settlement is regarded as a concession
by both sides. The terms of settlement
are as follows:
Piece work shall be abolished in its
entirety from the machine shops.
Every striking machinist shall be re-
instated upon his own application with-
in 60 days.
An increase of 7 per cent in wages
over the present scale when the strike
began shall be given.
Nine hours shall constitute a day's
work.
The company retains such of its pres-
ent force of non-union men as it de-
sires on equal terms with the old em-
ployees and gives notice to them that
all hotels within the shops will be
closed at the end of two weeks; the
strike is to be declared off and work
resumed Monday morning next at these
points: Council Bluffs, Omaha, Co-
lumbus, Grand Island, North Platte,
Cheyenne, Rawlins, Green River, Ev-
anston, Ogden, Denver, Cheyenne
Wells, Ellis, Junction City and Kan-
sas City.

PLAN TO DEVELOP
AMERICAN SHIPPING

By Associated Press.
Paris, June 3.—Senator El-
kins of West Virginia and Mrs.
Elkins arrived here today from
New York and will stay in Paris
for some time.
The senator says he intends
to introduce next session a bill
reducing by 10 per cent the
duties on goods brought to the
United States in American
ships or increasing by 10 per
cent on goods brought in for-
eign steamers. He expects the
measure will have strong sup-
port as a result of the failure of
the shipping bill. Mr. Elkins
claims the proposed measure is
not open to the same objections
as the shipping bill as it will
develop American shipping
without the expenditure of a
cent, large or small ships re-
ceiving the same benefits.

Was Forced to Relinquish
Examination of Prop-
erties Because of At-
tack of Ptomaine Pois-
oning, but Will Return
to Close Negotiations.

John Hays Hammond, called from Mexico hurriedly by ptomaine
poisoning, left Colorado Springs for New York city last evening, almost
recovered.
Mr. Hammond made several important announcements, among
them confirmation of the report that the Guggenheim Exploration com-
pany, of which Mr. Hammond is general manager, is looking into the
Guanajuato field, in which Colorado Springs capital is heavily inter-
ested, with the purpose of acquiring properties. The examination is
not completed, so definite announcement of the big deal can not yet
be made. Before leaving Mexico, Mr. Hammond placed experts at
work, to take up the examination where he had left off. Upon the
completion of the examination depends a deal representing several
millions.
Mr. Hammond will cable to the English owners of the Camp Bird
a report of that property, showing a great amount of ore in sight.
It will be another of the favorable reports that are tending to strengthen
and incline the European market towards American mines.
home near Gloucester, Mass., on the At-
lantic coast. Gloucester is sufficiently
near New York city to permit Mr.
Hammond to be in close touch with his
office.
Mr. Hammond received callers and
transacted business yesterday.
"I have had a siege of ptomaine poi-
soning," he explained. "How I con-
tracted it is a mystery. I must have
eaten something tainted with the poi-
son, and I am not sure that I did not
think it wise that I should come
here. I was in splendid health and had
made a trip of about 250 miles on horse-
back in the mountains on business."
Medical attendance was prompt and it
is due to this and the fact that the
case was diagnosed correctly almost at
once that more serious consequences
did not follow. It was the belief of
Mr. Hammond's valet and others that
one of the mining camps the in-
fected food was served in ignorance
of its character. The illness Mr. Ham-
mond has passed through is shown in
his paleness and lack of strength.
The general manager for the Guggen-
heims inspected several desired min-
ing properties in Mexico and his trip
was completed today. He has been
in the reports are in hand. The explora-
tion company and the Venture Corpora-
tion, of which latter Mr. Hammond is
consulting engineer, are among the
largest purchasing syndicates in the
world. As outlined by Mr. Hammond
when in Colorado Springs before his in-
spection tour, the exploration company
is in the field for Mexico and Colorado
mines, wherever good properties can be
secured, and is proceeding to add to its
already enormous holdings.
Regarding Investigations.
"There is nothing can be stated defi-
nitely as yet in regard to purchases in
the Guanajuato field," Mr. Hammond
said, "as the examination of desirable
properties has not been completed, I

the traveler. On each side of the track stretches a miniature ocean of mud and turbulent water. The people are doing all they can to save life and what chafers and stock they possess, but it is impossible to fight water."

6
OPINION OF JUDGE HAYT RELATIVE
TO DISTRICT ATTORNEY'S SALARY

The opinion of former Chief Justice C. D. Hayt of the state supreme court holding that the law of April 20, 1891, fixing the salary of district attorneys, is the governing statute, answers at length the question propounded to him: What is the maximum limit of annual compensation of the district attorneys in this state, outside of Arapahoe county?

Judge Hayt quotes the statutes of the state bearing on the subject, beginning with the provision in the general laws of Colorado of 1883. The law of April 6, 1891, fixing the salary in a district presided over by one district judge only, at \$4,000 annually; and in every district presided over by more than one judge, \$5,000. The act of April 20, 1891, the amendment to the act approved April 6 of that year, fixing the annual compensation at \$4,000 for each district attorney. The act of April 11, 1890, being an amendment to the statute of April 6, 1891, states that the district attorney in counties of the first class shall receive \$4,600 and in all other judicial districts the full compensation shall be \$3,000.

Judge Hayt points out that the main point for consideration is whether this last section, placing the salary at \$3,000, is constitutionally valid.

"In passing upon that point," says the opinion, "we find that another question is necessarily involved, namely: did paragraph fifth of the act approved April 20th, 1891, repeal section 2 of the act approved April 6th, of the same year? If section 2 of the act approved April 6, 1891, was so repealed, it is doubtless true that section 2 of the law of 1890, purporting to amend it, is a nullity, for the following reasons:

"The purpose of the act of 1890, as expressed in its title, was to amend section 2 and other sections named in the act of April 6th, 1891, (the title of which is repeated), and to repeal all laws 'in conflict therewith.' Section 21, article 5, of our constitution requires that the subject of every legislative act shall be clearly expressed in this title-amendatory provision. Now, if the act of 1890 had expressed its purpose as being simply to amend the prior act, without naming the section thereof to be amended, new matter germane to the subject expressed in the prior act could lawfully have been introduced and the new section 2 (1890) would stand good, whether the old section 2 (1891) had been repealed or not. See Edwards vs. D. & R. G. R. Co. 13 Colo. 59, 67; County Com. vs. The Aspen & C. Co., 3 Colo. App. 225. But where, as

in this case, the act is by its title limited to amend certain specified sections of the prior act, the interpolation of a new and different section is not permissible. County Com. vs. Aspen Co.—supra.

"Where, as in this state, the constitution requires every act to express its subject in its title, an amendatory act, to be valid, must relate to an existing and valid statute, and not to one which has been repealed or declared unconstitutional."

Many authorities are quoted in support of this opinion.

In answering the query if section 2 of the act approved April 6, 1891, was repealed by paragraph 5 of the act approved April 20, 1891, Judge Hayt stated that it must be borne in mind that the repeal, if any, is by implication alone; that repeals by implication are not favored and will never be adjudged to exist if it is possible for both provisions to stand; that the repugnance must be clear and unavoidable and that, ordinarily, the prior act will be repealed only to the extent of the repugnance. When both acts come from the same legislative session, the presumption against repeal is strengthened, and the action of the legislature in subsequently treating the earlier of two acts as persisting, is regarded as cogent evidence against a repeal by the second act. The opinion continues, that after a consideration of all the legislation of 1891, and prior legislation touching fees and salaries, the conclusion is reached that section 2 of the act approved April 6, 1891, was entirely repealed by the latter act of the same year. The first act of the session of 1891 was very exhaustive in fixing fees; the second placed limitations on compensation and regulated the manner in which fees should be accounted for; the two acts were evidently intended to be complementary. "But, while district attorneys were affected by the salary act, the fixing of their fees was omitted from the fee act and left to the old law. It would seem that the act approved April 20th, 1891, was intended primarily to remedy this omission in the fee bill, and, in fact, to provide thorough and comprehensive legislation upon the subject of both the fees and the amount of compensation of district attorneys."

The act of April 20th, 1891, is declared to be a complete and exclusive revision of the subject of fees and compensation of district attorneys and their deputies, and repeals and replaces the prior legislation on that subject. The attempt in 1890 to amend a section theretofore repealed is unconstitutional and void.

The full text of Judge Hayt's opinion is as follows:
Question—What is the maximum limit of annual compensation of the district attorneys in this state, outside of Arapahoe county?

In determining this question, the following statutes among others have been considered:

Section 1418, page 471, general laws Colorado, 1883.

"The fees of district attorneys shall be as follows: In all civil cases a docket fee of \$5; for all collections for the state, when the amount collected is under \$500, 5 per cent; over \$500, 2 1/2 per cent; for every criminal trial or examination before a justice of the peace or district judge, when sitting in the capacity of an examining magistrate, \$5; in cases when more than one day is consumed in such trial or examination, \$15; for the conviction or otherwise, per day, \$5; for the conviction in district court of each defendant in cases of misdemeanors, \$10; for the conviction in district court of each defendant in cases of felonies, \$15; for the conviction or trial by jury of each defendant in capital cases, \$25; for attending all cases on the supreme court where in the people of the state or any county is a party in interest, for each hearing in each case, \$15; and per diem for each day necessarily employed in attendance upon a cause in said supreme court, \$10; to be paid by the county wherein such cause was originally pending; for drawing each indictment, \$5; PROVIDED, no fees shall be allowed for drawing all indictments which may be quashed."

Also L. 89, p. 183, amending the above in particulars immaterial to this inquiry.

Also "An act to provide for the payment of salaries to certain officers, to provide for the disposition of certain fees and to repeal all acts inconsistent therewith," approved April 5, 1891, (or chapter 38 of the general laws of this state, which reads as follows:

"The annual compensation of the district attorney in the several judicial districts of this state, including the salary paid by the state, is hereby limited and regulated as follows: In every judicial district presided over by one judge only, the district attorney shall receive in full compensation for his services, not to exceed \$3,000. In every district presided over by more than one district judge, the district attorney shall receive, in full compensation for his services, not to exceed \$5,000. At the end of each year of his term of office, render a true and correct itemized statement, under oath, to the secretary of state, which statement shall be filed and preserved in the latter's office, of the fees received by him as district attorney, for the preceding year and the surplus received by him, if any, over and above the annual sum herein limited, shall be repaid to the county treasurers of the several counties of this district, each such county to be repaid such proportionate sum of such surplus as the amount each has paid him during such year shall bear to the whole fees collected in the district by him."

Session laws of Colorado, 1891, section 2, page 308.

Also, the act of April 20, 1891, entitled "An act to amend chapter 7 of the general laws of the state of Colorado, entitled 'Fees,' the same being general section 1418 of said statutes, as the same was amended April 20, 1889."

"The annual compensation of each district attorney, including the salary paid by the state, shall not exceed the sum of \$4,000. Each district attorney shall, at the end of each year of his term of office, render a true and correct itemized statement, under oath, to the secretary of state, which statement shall be filed and preserved in the latter's office, of the fees received by him as district attorney, for the preceding year and the surplus received by him, if any, over and above the annual sum herein limited, shall be repaid to the county treasurers of the several counties of his district, each such county to be repaid such proportionate sum of such surplus as the amount each has paid him during such year shall bear to the whole fees collected in the district by him."

Session laws of Colorado, 1891, section 2, page 323.

Also the act of April 11, 1890, entitled "An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

10, 11, 12, 13, 14 and 17 of an act entitled "An act to provide for the payment of salaries to certain officers, to provide for the disposition of certain fees and to repeal all acts inconsistent therewith," approved April 5, 1891, (or chapter 38 of the general laws of this state, which reads as follows:

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Two Old Pensioners—No Value

THE GRAY AND PURPLES of early dawn were disappearing as the sun, a red conflagration, was painting the eastern sky. Two aged horses got stiffly to their legs. They sniffed the fresh air of the May morning sweeping over the Bates pasture and, with age-dimmed eyes, turned from the gorgeous promise of a perfect day and rested a grateful glance on the soft shades of Cheyenne mountain, dark with its forests holding on to what was left of the night.

The green of the grass, the succulent temptation of the alfalfa, the beguiling of the miracle behind them—the dissolution of the angry red into a sea of molten gold—was forgotten. The two old comrades, bordering on the verge of senility, were becoming sentimental as they stood on quivering legs, what was left of mane and tail stirring in the cold wind that was puffing the white sails of the clouds skimming like charmed armadas over the changing sea. For their failing eyes, occasionally truthful, had lighted on a narrow, needle-like mark across the rugged slope of Cheyenne, and the film cleared from the eyes of the pensioners and Memory began brushing away the cobwebs that exist in the Wintertime of life, animal as well as human.

"That," said Baldy, "is the old trail to Cripple."

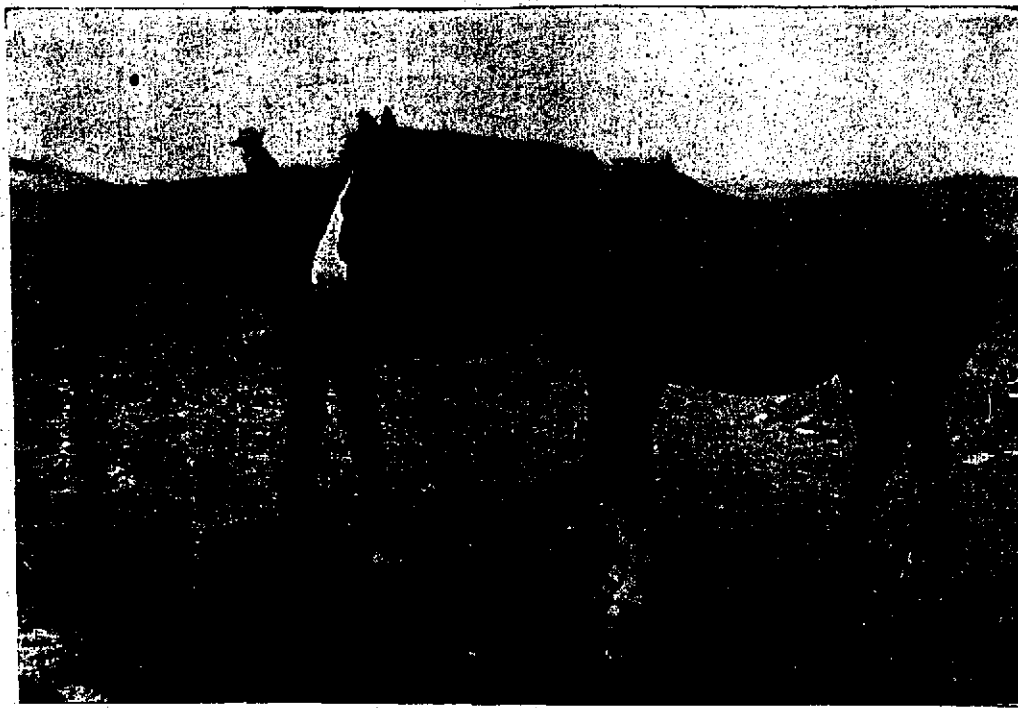
He said it as if to himself, softly and reminiscently, this poor, trembling scarecrow, and his companion scarecrow, his mind working in the past, repeated as softly:

"The old trail to Cripple."

"These mornings are deceptive," remarked Baldy. "Things seem to dance before you; distant objects, like the peak, for instance, appear twice as big and half again as near. See how the trail comes down the mountain side to meet us, how red the soil is and the wind is flecking the dust!"

"Not only that," replied Sorrel, without turning his head, "but I could have sworn until you spoke that the buckboard was rounding that corner of the road where we felt nervous, remember, because of the flat stones and the way the wheels would scrape. I heard the master say 'steady, boys, steady boys.' I heard—"

Sorrel broke off with an apologetic cough. He remembered that he had never heard Baldy refer, even indirectly, to their old age and suddenly, poor



THE TWO PENSIONERS—AS THEY APPEAR TO-DAY.

Zapato	17,138.52	'01.
Zenobia Gold M. Co., 356 928 shares at 20c.....	10,000.00	'98.
Dillon Gold M. Co., 50,000 shares at 20c.....	0.00	'9.
Two Old Horses, pensioners at pasture, no value		
Total	\$3,998,303.73	

D NOTES.

THE ITEM IN THE INVENTORY.



"JACK"—MR. STRATTON'S PET DOG.

Being the Story
of an Item in the
Inventory of
the Great
Stratton Es-
tate; By Jn.
Emerson Smith



Winfield Scott Stratton.

Sorrel realized that he was making a confession of what they both dreaded and could not bear to think of. By talking of the sunny period of youth he knew Baldy would wake up to the keenness of a breeze that was welcomed with whinies of delight by the foolish, romping colts in the other pasture; that Baldy would realize the once warm blood was turning to ice in his veins and his stalwart comrade was no longer the frisky sorrel that had kicked up his heels at every opportunity for no other reason than to express his joy in lying, but an antiquated, skinny equine male of obviously many years. The ashamed Sorrel turned away and began cropping the velvet sward with what remained of his teeth.

But Baldy remained steadfastly gazing at the disappearing trail. The dancing waves of the mirage-like sunrise had been engulfed in the brighter glow of the fully-risen orb and, as the brown of the cliffs and rocks became distinct and the blackness fled from the stretches of pine and spruce the trail these pensioners knew so well also faded, lost in the multitude of colors of the new robe the merry Day had proudly thrown over the world.

Sorrel furtively watched his comrade.

"I have made him sad," he kept repeating. "There's no fool like an old fool."

When the trail was no longer visible Baldy, more stiff than when he had risen because of the length of time he had been lost in the past, tottered over to the still-cropping Sorrel.

"You're a philosopher," he said cheerfully. "Instead of ruminating over things in years gone by you go to breakfast."

Sorrel, taken by surprise, looked up. Baldy saw that his old friend's eyes were misty. The comrades understood. "Do you remember the only time the master was provoked at us?" asked Baldy, after a silence, finding it hard to break away from his train of thought. Sorrel shook his head.

"My memory," he said, querulously—for he was finding it rather difficult to masticate the tender grasses—"is, I fear at fault."

"It was in the Springs. We had carried him from the great camp with its burly burly mixture of people from all quarters of the earth, with the sound of blasting on a hundred hills and the music of the fiddles and horns and pianos in the dance halls at noon-day, for those were strange, savage days, you remember, Sorrel—through the fresh, perfumed air of the autumn woods over the stage road to the city. It was true we had seen electric cars before but we had forgotten and when, with a clang and a whirr, the thing rushed past you almost turned a somersault and I had a vaulting ambition myself. The master called up the prize

pair of country performers."

"And a few other things," supplemented Sorrel. He was quietly laughing.

"I have often thought," continued Baldy in a tone of conviction, "that that day—the master began thinking about street cars seriously and made up his mind that some day he would own that system. He did, a few years afterwards, when you and I could no longer carry fast enough the heavy ore sacks from the mine."

"I wish I had a year added to my life for everything we have carried the master over that road," sighed Sorrel. The meadow larks with liquid trillings were filling the pasture with music.

"Ungrateful Sorrel," said Baldy, half sadly, half chidingly. "There is an end to all things, except charity and the good deeds done by man. We have no cause, worn-out old creatures as we are, to complain. Here we are, even after the death of the master, remembered lovingly because he bade his friends to take care of us. The old who are not forgotten are blessed, indeed! The clover and the alfalfa are ours, the sunshine and the songs of the birds the voices of the mountain people that no mortal has ever beheld; the best in life has been bequeathed us by our master and our friends; where is there cause to repine?"

The old comrades drew close together. The larks circled in the golden air above them but to the frolicsome spring-mad colts they seemed like two dark and spectral figures, waiting, waiting, perchance with something of the Indian belief in their tired skulls—that in the happy fields to be attained they would once more become the property of the departed master.

To those who knew Winfield Scott Stratton, it occasioned no surprise, only a tender backward glance into their knowledge of the man of millions and his great heart, when in the published inventory of the real and personal estate, an estate amounting to nearly \$5,000,000, with chattel property, alone, aggregating \$3,998,303.73, occurred the line, following with startling contrast totals in the seven figures:

"Two Old Horses, pensioners at pasture, no value 0.00."

Those who had not known W. S. Stratton marveled, yet a sense of the kindness and humanity represented in the item impressed them, and the paper was laid by after a sermon, a true and powerful sermon, had been, unconsciously perhaps, received in all its beauty. The executors of the Stratton estate are proceeding to carry out the provisions of the now celebrated will and erect the home for the poor; in the meantime they are paying \$2 a month for pasture, and will continue

paying as long as life lasts in the two old horses Mr. Stratton depended upon before the days of his Aladdin-like discovery and afterwards, thus carrying out another behest of the millionaire.

These horses, "Baldy" and "Sorrel," because he is a piebald—and "Sorrel," because the more aged of the pensioners is of that color, are the aristocrats of the equine population of Colorado Springs. They live a life of the most blissful idleness; they are kept in the richest pasturage at the ranch of William Bates five miles south of the city; should one of them be found to be ailing in the slightest degree there would be immediately a consultation of veterinary surgeons and no expense would be spared for medical treatment. The horses that had served him so faithfully were personally pastured at the Bates ranch by Mr. Stratton before his death.

Their age no man can tell with accuracy. It is known they are over 20 years old, for Mr. Stratton had them in Cripple Creek in the early days of the gold camp, and they were in their prime then. Before the district echoed to the locomotive whistle this team carried him in his buckboard over the 30 miles of stage road between Colorado Springs and the camp frequently, and it was an easy matter to outdistance the stage. As for the heavily-laden ore wagons, the drivers looked enviously and swore softly as Baldy and Sorrel in playful mood showed clean hoofs and swirled past leaving a cloud of dust.

They were good horses; they still show unmistakable traces, and in all the years he drove them there was never an accident on the precipitous road. No one could tell me yesterday what has become of the buckboard Mr. Stratton used between the city and the camp. It was a familiar sight to the thousands that traveled the mountain highway; so strongly was it constructed that the appellation of "the one-hoss shay" was given it based on the belief that when it would go to pieces, like the vehicle made known for all time by Dr. Holmes, it would tumble into splinters with one fell swoop, without even a preliminary warning groan.

When the camp was still Womack's ranch and men went cautiously along the stream meandering through the emerald carpeted hollow, kicking the grass with their boots to see if they could not upturn sparkling nuggets, Mr. Stratton rented a gray horse to pack his outfit. This was the original steed of the prospector, but it was soon replaced by Baldy and Sorrel. The horses were picketed near the first Stratton habitat, a tent below the present world-famous Independence mine. The prospector was building a cabin, and the team more than paid for themselves in assisting their owner. They

were never overworked, however, never hauled heavy loads, and were treated with the consideration and intelligent care exhibited by Mr. Stratton to all animals. Baldy was his favorite mount on trips to the postoffice and around camp.

It was before the cabin was completed and the fame of Cripple Creek had been blown to the four quarters of the globe that a great cattle outfit went through the district. The herd was an immense one; there was a small army of cowboys and as night began to fall they camped not far from the Stratton tent. Mr. Stratton with other prospectors went down to the roaring fire and had dinner with the hospitable strangers. The fare carried by these Arabs of the plains was fresher than the canned goods of the miners' scanty larders, and the evening under the listening stars, in the comfortable warmth of the campfire was a pleasant one.

Young Pete Stauer of the cattle outfit who had been talking to Mr. Stratton left the circle stating he had a lame horse demanding attention. His gray-haired, somewhat silent guest went with him. The pony, which had slightly injured one of its forelegs on the sharp rocks that afternoon was examined in the wavering light from the fire, strengthened by the addition of lanterns. The cow-puncher held the pony while, kneeling on the ground and with deft touch, the future millionaire, the man who held even the key that was to unlock treasure chambers beyond the dreams of most men, bound up the torn and bleeding member and with some simple salve procured somewhere, either from his own stock or from that of a neighbor soothed the animal's pain.

Not much of a story, I admit. I tell it only because I would endeavor to convey an impression of Mr. Stratton's sympathy and gentleness to the lower animal creation, and because Pete Stauer told it to me in Denver during the lifetime of Mr. Stratton.

Not only was he gentle to horses, but to all animals. He would not drive in a storm if he could prevent it, nor would he drive a lame horse. It will be remembered that some one presented him once with an eagle. Delighted, Mr. Stratton had a large cage constructed, but noticed with sorrow that the majestic bird was pining for freedom. Impulsively, he ordered a large beefsteak and had the cage taken far out on the prairie, the steak given to the bird of national adoption, and the cage door opened.

He was continually feeding birds. A great flock of "horn larks," clamoring for food were driven by a storm into the city. Mr. Stratton had hundreds of grain scattered for these unexpected guests.

Anna Hellmark, housekeeper for the

millionaire for years, is caring for "Jack," the pet dog, at her residence at Las Animas and Cascade. "Dick," the first dog of prospecting days died some time since of old age, and some have been unthinking enough to say, of gout due to high living. Dick was not of high degree; he was merely a curly-haired, black, intensely faithful and friendly cur, but he accompanied his master on all campaigns, and, beyond doubt, knew every foot of the entire Cripple Creek district.

One day his master came to a realization that, shut off in the mountains, without knowing the stimulus of the absorbing search for gold, Dick must be lonely.

"Dick," he said, that night in his cabin, "would you like a companion, a 'bunkey,' Dick? a partner?"

Dick wagged his tail, and, seeing something in his master's eye, barked. Baldy and Sorrel took the matter to the city, when they brought him back "Jack" was trotting contentedly with "Dick." He had been secured for Dick's pleasure and proved himself a companion and champion. They were great friends and Jack seemed to realize dimly, yet restlessly, that something dreadful had happened, when, despite the skill of the veterinary surgeons, Dick, who had been living on the fat of the land, either from gout or old age, gave up the ghost.

I thought, as I came in from a visit to Baldy and Sorrel:

"What a wonderful thing is life, after all!"

Very trite, I said to myself, that observation. But the reflection clung to me in the deepening shadows of the late afternoon. How many thousands have said the same thing in "this battered caravansera!" ere like sultan after sultan, in pomp and fitful authority, they have wended their way out of the mysterious portal. The more we see of life the more we marvel.

I was looking at Cheyenne mountain, at the spot where the old pensioners had strained their failing eyes in the morning. The level rays of the setting sun threw long shadows of the mountains on the plains, but touched in mellow radiance the northern slope of the great hill. There was a mist in the air—or so it seemed—for the mountains were of purple that would have delighted a painter's heart, a shimmering dark blue, more royal than purple. Where the trail climbed towards the clouds the sun appeared to concentrate its fast-ebbing strength and the path was a roadbed of gold, a fit highway to the busy place of mills and mines.

I thought of that other spring afternoon 13 years ago, when a man named Stratton and others, companions, men of stout hearts and empty pockets toiled up that sharp ascent, and then crowded upon me scenes and incidents

of what has happened since and visions of the future; how history has been made and is being made as a result of that afternoon.

"Here is one of the world's great romances," I said. And then I altered the triteness of the statement made a moment before. "What a wonderful thing is man," I corrected.

CHANGES IN THE ARMY RIFLE.

Guns and Bullets Suited to the Civilization of Opponents.

A little while ago we thought we had the finest army rifle in the world, with the possible exception of the Spanish Mauser. It had enormous range and necessarily a flat trajectory and great powers of penetration. It was light and easily manipulated. The mechanism of it was comparatively simple. But we decided quite recently to abandon that rifle in favor of a new invention which has longer range, flatter trajectory, greater penetration and advantages in weight gained by cutting down the barrel. The new gun, which is the product of some genius or geniuses in the ordnance department, is so short and light that a man of ordinary strength can easily swing it as a club if he runs short of ammunition and is in too close quarters to use the bayonet, which, by the way, is to remain part of the soldier's equipment in spite of the condemnation lavished upon it by experts. The caliber of this new rifle is practically the same as that of the weapon it is designed to supplant, which suggests that the increased destructiveness of modern small arms, due to the extensive range and the employment of magazine loading systems, is more than counterbalanced by the sacrifice of shocking power through the substitution of small bullets for large ones. A man is killed as readily when shot through a vital part by a bullet no bigger in circumference than a small lead pencil as he is when hit by a heavier missile from a Springfield or Mauser, but the records of the most recent battles show that the number of "disabling" wounds inflicted by the lighter bullet is far less in proportion to the amount of lead fired than was the case in the days of larger caliber rifles.

This is not an argument for the abandonment of conditions that have made war more humane by decreasing the measure of human suffering entailed by it. It is merely a statement of facts which are now being seriously considered abroad, and especially in England, in respect to the proposed modification of rifles, or at least of ammunition, used in waging of warfare against those who will not observe the rules of civilized combat. To the use of smaller caliber guns and hard nosed bullets is attributed by many the disaster that overtook Colonel Plunkett's command in Somaliland, where even the straightest shooting failed to check the rush upon the doomed square, because the stopping power of the bullets was not sufficient to put out of action more than a small proportion of those who were hit elsewhere than in vital spots. The savage must be fought upon a different basis than the enemy who is civilized. A force deprived of ammunition, and, therefore, unable to continue fighting can surrender with safety to the latter, but not to the former. The indications are that the high power rifle, as designed for civilized war, will be discarded hereafter in conflict with the uncivilized. This is a nasty conclusion to reach, but it seems inevitable. (Brooklyn Eagle.)

Creeping Along the Mountain's Edge

Flitting in and Out of Sight Like a Huge Firefly. * * * * *

"HEADLIGHTING" is a new amusement in Colorado Springs. "Headlight parties" are already beginning to be formed and these long summer evenings thousands of eyes will be scanning the shadow-black hills for the animated fireflies dancing in and out, up and down the mountain sides. The appearances and disappearances of the luminous spots of light are indescribably weird. One moment a majestic comet sails along in a trail of sparks resembling a golden milky way; the next, the comet goes into temporary obscurity, but for a mile or more huge bonfires flash out, gigantic trees stand like sentinels of silver, and a picture from fairyland hangs half way between the gloom of the earth and the starlit sky.

The Pike's Peak region can boast of another scenic attraction and the words of Cy Warman's famous "It's day all day in the daytime, and there is no night in Creede," may be paraphrased into something similar for Colorado Springs from the tourist's point of view. With moonlight drives in the Garden of the Gods and the moving pictures of the mountains, to say nothing of the many other social diversions offered when the dial of the clock in the court house tower glows like a smaller moon, the city at the foot of Pike's Peak need not cast about for entertainment for its guests. If the guide books contain no mention of the headlighting feature, the next editions surely, in view of the popularity of headlight parties, will draw attention to the discovery that has just been made that rarely in this world is a more thrilling sight afforded—of a train, comet-like in its brilliancy, dropping from the clouds.

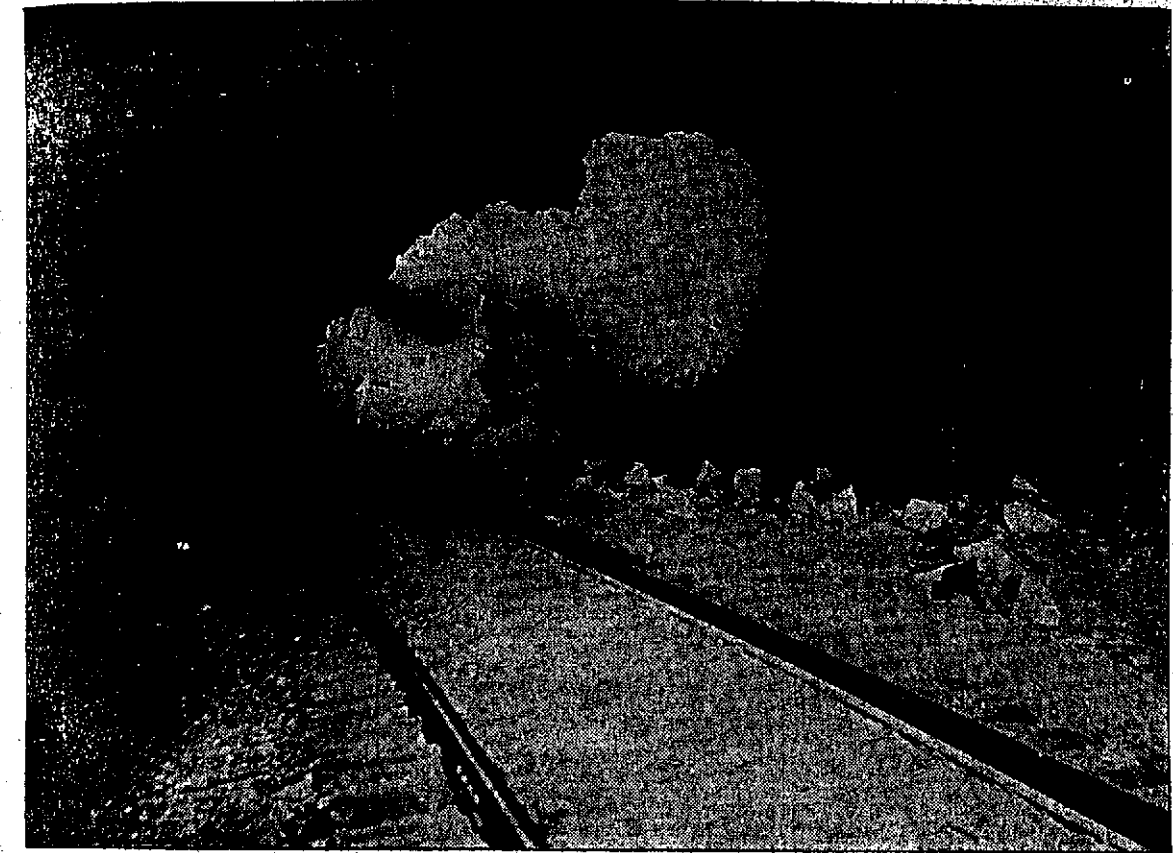
A headlight party, to be plain, is a party watching the incoming trains on the Colorado Springs & Cripple Creek District railway, the "Short Line." It may be prearranged or informal. At one of the large residences on North Cascade, where there are eastern friends on a visit, several of these headlight parties have been given with much success after dinner. The men smoke and there are decanters and glasses on a table, lighted by candles shielded from the wind by the close-drawn piazza shades. For it is essential that a headlight party be given on the veranda or some place where an unobstructed view may be had of the mountains to the south, Cheyenne looking black and in exaggerated height against the sky, and the higher, jagged line marking the range. Coffee and cordials are served on the veranda and with the electric lights shaded, the party spends the time in converse and in watching for the headlights.

The watchers are well rewarded, for it is no exaggeration to say that the Short Line train literally shoots from the clouds. The tracks lead from the city westward to the foothills and then the steep ascent is begun. For miles the grade leads sharply up into the clouds, past deep forests, over high trestles, turning, weaving in and out, ever climbing, doubling back over great stretches of mountain side to make a thousand feet or so. The grade from Colorado Springs is so steep, the distance so far and the panorama of mountains so vast, that the trains seem to slide with wonderful speed to the earth.

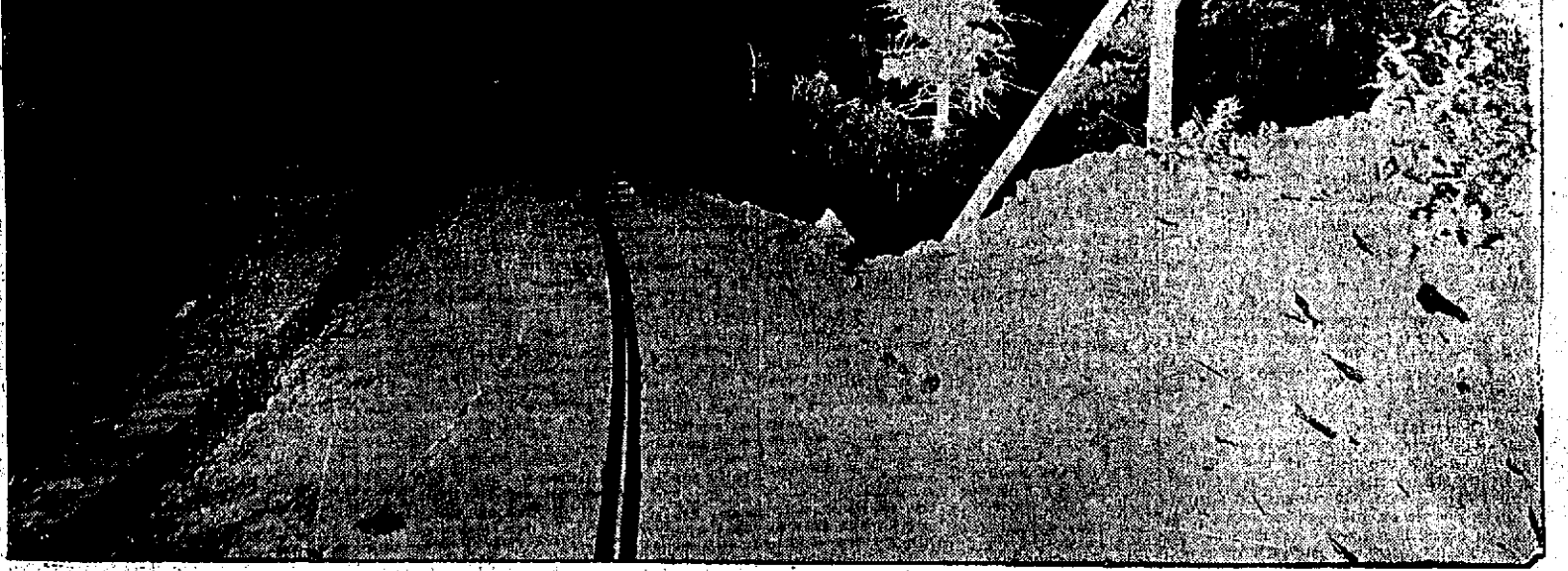
At a point nearly 20 miles away, between the station called Duffields and the summit the first glimpse of the approaching headlight is secured. It is then a tiny star twinkling in the engulfing blackness, a star that grows gradually greater and of startling beauty, as stars go—judged from their radiance. The summit is the highest point on the line and it is possible in Pueblo, with the aid of a good pair of field glasses, to see the headlight, 45 miles away.

Our party watches, as the star, still so small that it is scarcely distinguishable, approaches, as if it is playing a game of hide-and-go-seek. From Duffields to the long straight track across country to the city, there is an almost constant succession of views of the prairie. In the daytime, with the sun lighting the plains and creating delicate shades—tens of miles in extent, these ribands are of pink and green and azure, of blues and yellows, the train glides past great rifts in the forest-clad mountains and the passenger holds his breath in awe at the wondrous work spread before him.

It is now, in the evening when the last rose tint has faded from the sky and the shadows that were stretched but a moment ago at the feet of the mountains, have become a part of the dense black of the visible landscape, that these rifts afford glimpses of the electric headlights of the locomotives or, perchance, of a long, lighted passenger train rushing on its way to the city.



When the Train Sweeps Into Sight Near Duffields, the First Glimpse of the Comet-like Headlight.



Rounding the Curve at Point Sublime. Trees, Foliage and Rocks Stand Out in a Picture Seemingly Suspended Between Heaven and Earth.

The rocky slopes of St. Peter's Dome catch the electric rays and throw them with all the added strength of reflection, across chaam and canon and out into the inkiness of the night. At South Cheyenne canon the metamorphosis of the headlight into a comet with a fiery trail takes place and the dainty, dancing firefly becomes a thing of pure light. Every burst of smoke now is a plume or a canopy for the luminary that appears making its way on destruction bent, with fierce speed to the earth.

It follows the serpentine track to its ruthless path it scatters the diamond drops right and left and then, passing, leaves them lusterless and dead, to freeze. For a moment, the great light poles at Point Sublime. With a glass the tracery of foliage made white and sharply drawn as if covered with frost, becomes distinct. It is a scene that one would keep always, so ethereal it as it stands out, carved-like, against the black of the background—but, with the sharp whistle that the echoes multiply in mellowed cadences, the picture falls to pieces; the trees, the castle-

is sharp, instead of a rich golden, and the track gleams like two long, very thin needles of silver. But when the plain is reached, the outlines of the train assume shape, the lighted windows become distinct and the comet-scene on the Short Line, whether it be afforded by freight or passenger trains, is not only one of strange beauty but that it has a thrilling grandeur of its own, partly due to that minor strain of superstition in all of us, partly to the biblical passage, but surely of the sense of the infinite embodied in the silence and darkness of night, in the silence and vast stretches of the mountains.

world in comet fashion and the mind instinctively leaps to the prophecy of fire being the means to the end of all things, and the "war of the worlds." All are agreed that the mighty scene on the Short Line, whether it be afforded by freight or passenger trains, is not only one of strange beauty but that it has a thrilling grandeur of its own, partly due to that minor strain of superstition in all of us, partly to the biblical passage, but surely of the sense of the infinite embodied in the silence and darkness of night, in the silence and vast stretches of the mountains.

The Battle of Pleasant Hill

ONE OF THE HOTTEST ENCOUNTERS OF THE WAR
By D. W. ROBBINS.

HAVING been requested at this shelter in a small ravine just under memorial time to write a short history of some of the battles in charge, and with the rest of our division, commanded by General J. A. Mowers, both forts with all they contained were soon ours.

After destroying the forts we were again taken on our boats and proceeded to Alexandria, where we joined Gen. N. P. Banks, who was then in command. With its cavalry and wagon and Thirty-second Iowa, and the train of several hundred wagons, he was started for Shreveport, leaving his command by Colonel W. T. Shaw.

On the 10th day of March we boarded the steamer Southwestern and about 4 o'clock the signal gun was fired and 21 transports hauled in their cables and swung out into the Mississippi on that ill-fated expedition. At the mouth of the Red river we joined the marine brigade.

As the fleet of gunboats and transports moved up the channel of the old river, about noon of the 12th, the scene as presented to the eye of the soldier from the hurricane deck of the Southwestern was truly grand.

At times the fleet moved in groups or clusters, and in some bends the whole could be seen at one view; and as the transports were densely packed with soldiers in blue, together with the gaudy uniforms of the marines on the gunboats, jam of six-mule teams, each striving and all with stars and stripes floating in the breeze, was a scene not soon to be forgotten.

Disembarked. We were disembarked at Simms' Landing, and on the morning of the 14th, at 5:30, we were started for Fort DeRusse and Beauregard, distance 28 miles. About 1 o'clock we came to a here some time, we could see the confederates forming on the opposite side angles, when we were started by the boom of artillery in solid shot and important point being on the main shell coming greetingly down the lane road leading from Pleasant Hill to meet us.

Starting on double-quick forward we were soon exposed to a full taking of the heavy guns of the fort. Our was an when "forward!" yelled our colonel, and we sprang into battle and held the enemy in check until our double-quick in the rear, and the main line could be formed.

And on looking across the field to the timber beyond, it was alive with troops. The woods were full of cavalry preparing for a charge, and coming into line at a gallop. Here they come on a gallop and with a yell!

Were Cautioned. Colonel Scott and our officers passed quickly along our line cautioning the men to keep cool.

He said: "Keep cool, boys! Down! Hold your fire! Let them come within 50 yards and empty their carbines; and then take careful aim and not shoot too high!"

We were lying down; their carbines emptied, and they overshot us. Their right hands reached for their sabers to make a saber charge, when the rifles of Shaw's brigade answered back.

The range was close and deadly. If anything in the destruction of human life could be grand and fearfully sublime, the repulsing of that charge surely was.

Horses reared and plunged, and our lines and were taken prisoners. Of the 1,200 making the charge there were, but few that escaped.

Infantry Charge. After the cavalry charge there was a lull for a few moments. Then came the infantry. At first they came at right shoulder shift. You could hear the command of their officers: "Dress up on the right; steady on the center; steady, steady, boys; keep cool; keep cool!" as with measured step they moved steadily forward.

Colonel Scott and other officers again passed along the line, cautioning the men to keep cool and hold their fire. "Let them come; let them empty their guns, and then shoot low; never shoot above the belt," he said. Their fire was delivered. We had a little the lower ground, and were overshot.

"Fire! Fire!" was the order, as our Springfield rifles answered back. Their line wavered and reeled back, as many fell to the ground. That charge was broken. But still came charge and volley after volley of musketry, although "Still with murderous slaughter. Pelted back, they came again."

Were Outflanked. There was a short lull. But here from our right flank, from our left flank, and even from our rear, comes a murderous fire. The enemy had passed our left flank, and the other regiments of our brigade on the right had been ordered to fall back, but no order was sent the Thirty-second.

And here we were, our ammunition exhausted, and zip, zip, came the minie balls from right and left and rear.

Colonel Scott, comprehending the situation, ordered a careful movement to the left and rear, with open ranks, to avoid if possible the fire of our own troops; and in the dark we made our way and formed a junction with the Twelfth and Thirty-fifth, Iowa, brigades. The Thirty-second Iowa went into the battle with 409 men and lost 218 being over 50 per cent of loss.

Just at the close of the day the confederates were badly whipped, having struck our main line and retreated back to Mansfield, while Banks, leaving his dead and wounded, retreated towards Alexandria.

And thus ended the battle of Pleasant Hill, so named, and the postoffice is so called to this day.

I have hurried through with a narrative or account of one of the hottest little battles of the war, as the confederates in our front were as brave as any men that ever fought a battle.

Hail, to the Blue and the Gray. Hail! Hail! to the Blue and the Gray—The Blue of the Garb and Gray of the hair. Soldiers of freedom, now far on life's way, Once more do we greet you with song and with prayer.

We sing of the scenes that called you forth When your young hearts thrilled to the hot tide of war. Of deeds that set high your soldierly worth In quiet of camp or battle's wild roar; Of comrades who fell in terrible fray, Where bullets and shells hissed thick in the air. Of others who sleep in the home land today, 'Mid the verdure and bloom of tenderest care.

And your prayer is ours, as one it is spoken, That peace be the aim, but with power to fight, To protect what you saved, and keep it unbroken. A nation whose flag is the symbol of right. Hail! Hail! to the Blue and the Gray. —Omaha Bee.

HAND MADE PHILOSOPHY. Again we are sitting up nights worrying over whether a college education pays.

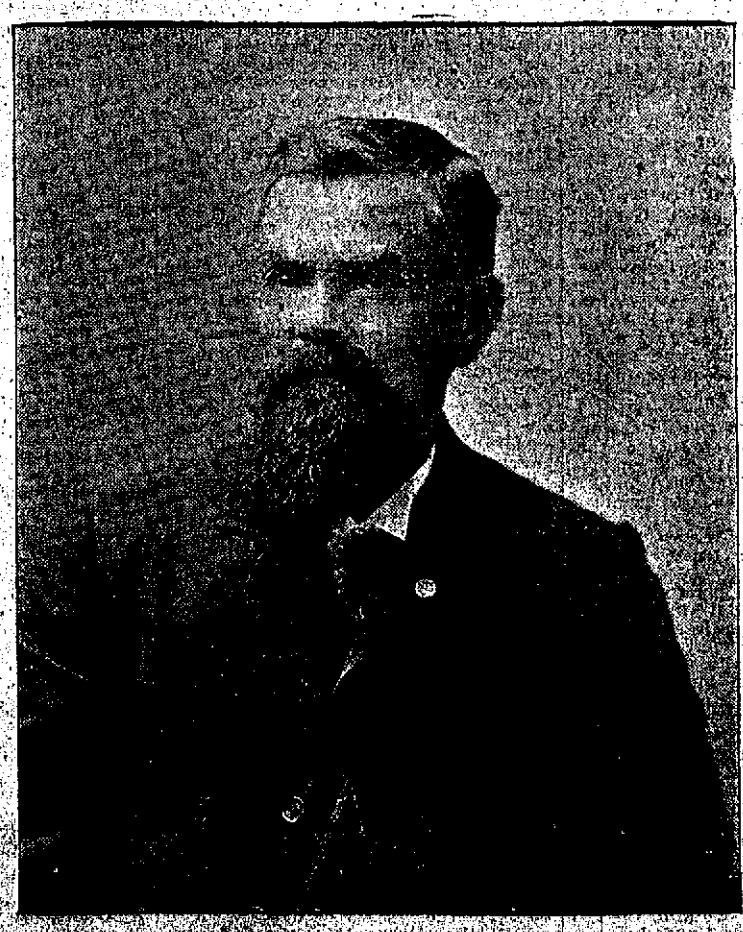
Some people claim that you may stock a man's brain with binomial theorems and tristram deductions and quadratic equations, but he might as well have his cranium full of baled hay if he doesn't know how to sell Jones something for \$2 that cost 85 cents.

Others assert that it is rank folly to permit a youth to go to college full of high aspirations and strong purposes, and have him come home at the end of the term laden with six college yells and innumerable germs.

There are a few who argue that it is time and money lost to send a boy where he will learn all about Latin and Greek and the Sanscrit, and the modern languages, if he can't make you understand him over the telephone after he graduates.

There have been all kinds of education during the different epochs, and the net result of them all is that it doesn't matter how many good things are put in the head unless they stay there. —Chicago Tribune.

The Spanish government has revived the regulation requiring all foreigners resident in or visiting Spain to register their names at their consulates.



D. W. ROBBINS.

